

-6-

being first duly sworn, deposes and says that he is County Solicitor for Dade County, Florida, and that on February 14th, 1929, at twelve-thirty o'clock P.M., this affiant, with Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours, in this affiant's office in the court house at Miami, Florida. Further, that Alphonse Capone, from all appearances, was in good health, and did not complain of being ill.

Further, that the questions and answers were taken down in short-hand by Miss Ruth Gaskin, and that Sheriff M. P. Lehman of Dade County was also present.

(Signed) Robert R. Taylor, Jr.

Sworn to and subscribed
before me this 24th day
of March, A. D. 1929.

VERI. AFFIDAVIT OF RUTH GASKIN

STATE OF FLORIDA)
COUNTY OF DADE) SS

Before me, the undersigned authority, an officer duly authorized to administer oaths and take acknowledgments, personally came Ruth Gaskin, who, being duly sworn, deposes and says that she is a stenographer working in the office of the County Solicitor of Dade County; that on February 14th, 1929, beginning at twelve-thirty o'clock P. M., Robt. R. Taylor, Jr., the County Solicitor of Dade County, and Mr. Lewis Goldstein, Assistant District Attorney of Kings County, New York, questioned Alphonse Capone for about two hours in the County Solicitor's in the Dade County Court House at Miami, Florida, and that the said Alphonse Capone, from all appearances was in good health, and did not complain of being ill.

Further, that Sheriff M. P. Lehman of Dade County was present during the questioning.

(Signed) Ruth Gaskin

Sworn to and subscribed before me
this 24th day of March, A.D. 1929.

IX. AFFIDAVIT OF DR. SAMUEL D. LIGHT

STATE OF FLORIDA)
COUNTY OF DADE) SS

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, Doctor Samuel D. Light, a practicing physician in the City of Miami, State of Florida, County of Dade, who upon being duly sworn, upon oath, deposes and says - that on or about January second 1929 affiant was called at the house of Al Capone, Palm Island, to attend son of the said Capone who was sick, and on or about January fifth was again called to the house of Al Capone who was suffering from influenza which later developed into double pneumonia.

Affiant states that condition of the patient, Al Capone, became serious and it was necessary to have two nurses in attendance. Affiant also states that he was called at least every day to the house of Capone and sometimes made two calls a day, a total of sixteen or seventeen calls were made during the period from January fifth to fourteenth.

On January fourteenth when patient was last seen by affiant, Capone was still in bed suffering with congested lungs and having a temperature.

Affiant's services were discontinued on account of a Doctor Omens arriving as a house guest of said Capone, and the said Doctor Omens affiant was informed was Capone's family physician in Chicago and that Capone wished him to take charge of the case.

Several days before affiant relinquished the case to Doctor Omens, Doctor Phillips of Miami, Florida was called in consultation at the request of the said Capone and his friends, with affiant's approval.

(Signed) Samuel D. Light

Sworn and subscribed to before me a Notary Public,
State of Florida at large this twenty fifth day of March 1929 A. D.

(Signed) Helen T. Toomey
Notary Public.

My commission expires 2-19-30.

X. AFFIDAVIT OF CAPTAIN WILLIAM P. TREMBLAY

STATE OF FLORIDA)
COUNTY OF DADE) SS

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, Captain William P. Tremblay, Master of the Steamship New Northland, which is owned by the Clarke Steamship Company of Quebec, Canada, and which vessel plies between the port of Miami, Florida and the Port of Nassau, Bahamas, B.W.I., Captain Tremblay being duly sworn, upon oath, deposes and says that -

On the eighth day of February 1929, the said steamship New Northland left the Port of Miami about three P. M. for the Port of Nassau, Bahamas, B. W. I., and affiant states that among the passengers on this voyage numbered fifty one was Alphonse Capone with a party of friends, and the affiant further states that said Capone was introduced to him by a party whose name affiant cannot recall.

Affiant states that he could positively identify the said Alphonse Capone by a scar appearing on the side of his face.

Affiant further states that the said Capone appeared to be in perfect health and apparently enjoyed the trip from the Port of Miami to the Port of Nassau.

Affiant further states that on February twelfth, 1929, the said Alphonse Capone and his party left the port of Nassau, Bahamas for the Port of Miami, Florida on the steamship New Northland, said vessel arriving at the port of Miami about eight thirty A. M. on February thirteenth 1929.

Affiant states that he saw the said Alphonse Capone only once during this return voyage and he appeared to be in perfect health and made no mention of being sick in any way.

(Signed) William F. Tremblay.
Master SS New Northland

Sworn and subscribed to before me a Notary Public this twenty fifth day of March 1929, A. D.

(Signed) Helen F. Toomey.
Notary Public State of Florida.
My commission expires 3-19-30.

II. AFFIDAVIT OF JOHN WM. COOPER, JR.

STATE OF FLORIDA)
COUNTY OF DADE) SS

Personally appeared before me the undersigned authority in and for the County of Dade, State of Florida, John William Cooper, Jr., residing at 458 Ocean Drive, Miami Beach, Florida, who upon being duly sworn upon oath, deposes and says that he is District Traveling Passenger Agent for the Northern Steamship Lines, at Miami, Florida, who operate the steamship New Northland plying between the port of Miami and the port of Nassau, Bahamas.

Affiant further states that on February eighth 1929, at about three o'clock in the afternoon he was at the Municipal Piers #3, Miami, Florida, checking passengers boarding the steamship New Northland, which was on a direct and continuous voyage from the port of Miami to the Port of Nassau.

Affiant states that among the passengers he checked on said date and on said vessel was Alphonse Capone, his brother Alfred Capone, Wen Phillips and several others in the same party, whose names he cannot now recall. Affiant states that the purpose of making this check was to ascertain that all passengers booked for this voyage were on the vessel.

Affiant further states that the said Alphonse Capone who booked passage on the steamship New Northland on February eighth he personally saw board said vessel and saw the said Capone and party standing on the deck of said steamship New Northland prior to its leaving the Port of Miami.

Affiant further states that Alphonse Capone mentioned heretofore is the same said Alphonse Capone whose pictures he has seen in a number of newspapers and the one that was referred to by the press as the Chicago gangster.

(Signed) John William Cooper, Jr.

Sworn and subscribed to before me a Notary Public this twenty fifth day of March 1929 A. D.

(Signed) Helen T. Toomey

Notary Public State of Florida
My commission expires 2-19-30

XII. AFFIDAVIT OF EDWARD MIRMAIER

STATE OF FLORIDA)

COUNTY OF DADE) SS.

Personally appeared before me the undersigned authority in and for the county of Dade, State of Florida, Edward Mirmaier who resides at 1442 W. E. Bayshore Drive, Miami, Florida. Who after being duly sworn upon oath deposes and says; that he is a pilot for the Curtiss Flying Service of Miami, Florida.

Affiant states that on February 2nd, 1929 at ten thirty A. M. he piloted Seaplane NC 6813 from Miami, Florida to Bimini, Bahama, carrying the following passengers: Al Capone, J. R. Clark, H. Circella and P. L. De Andree. Affiant further states that he carried the above named passengers in Seaplane NC 6813 from Bimini, Bahama to Miami, Florida, arriving at three P. M. February 2nd, 1929. Affiant further states that the Al. Capone referred to herein is the same Al. Capone that owns a residence at Palm Island, Miami Beach, Florida and who has a scar on one side of his face. Affiant states that the said Al. Capone appeared to be in good health during the time that he took the trip from Miami, Florida to Bimini, Bahama and return.

(Signed) Ed. Mirmaier

Sworn to and subscribed before me this
28th day of March, AD 1929.

With reference to Subject Capone's trip to Bimini, Bahama and return, agent, assisted by W. E. Eyster, Assistant District Director, Immigration Service, Jacksonville, Florida, made a check of the records for February 1929, which revealed the following:

Out-bound manifest records show that the American ship, SS "New Northland", departed from Miami, Florida for Nassau, Bahama on February 8, 1929, having on board four United States citizens, to wit: Al Capone, Toy Clark, Nicholas Circella and Philip De Andrea.

In-bound manifest records show that the American ship, SS "New Northland", departed from Bimini, Bahama on February 8, 1929, arrived at Miami, Florida on same date, having on board four American citizens, to wit: Al Capone, address United States, Palm Island, Miami Beach, Florida; Toy Clark, Nicholas Circella, Philip De Andrea.

A further check of the immigration records revealed:

Out-bound manifest, SS "New Northland", Voyage 51, departed from the Port of Miami for Nassau, Bahama on February 8, 1929, having on passengers, among others, the following: Alphonse Capone, Albert Capone, Philip De Andrea, Fred Cirton, Wen Phillips, William McCabe.

In-bound manifest, SS "New Northland", departed from Nassau, Bahama for Miami, Florida on February 12, arriving at the Port of Miami on February 13, having among others, the following passengers: Alphonse Capone, Albert Capone, Philip De Andrea, Fred Cirton, Wen Phillips, William McCabe.

Agent interviewed Harold V. Perry, manager of the Hanson Steamship Lines, Columbus Hotel Building, Miami, Florida. Mr. Perry advised that the first information he had of the booking of Alphonse Capone and his party via the SS "New Northland" to Nassau, Bahama, was sometime during the afternoon of February 8, 1929, prior to the departure of the SS "New Northland" on February 8. Captain Tremblay asked Mr. Perry who Capone was, as a friend of his, the captain, had introduced Capone to him and requested that Capone be given special attention on the trip from Miami to Nassau. Mr. Perry further stated that he recommended to Captain Tremblay not to fraternize with Capone and if necessary, to stay in his quarters in order to avoid him.

Mr. Perry gave to this agent a copy of a letter received from E. J. Aspinwall, copy of which has been forwarded to the Bureau for their information.

UNDEVELOPED LEAD:

JACKSONVILLE OFFICE. No action will be taken with respect to prosecution in this district until receipt of further information from the Bureau.

PENDING

79

April 8, 1929.

WES:ACB
92-122-21

MEMORANDUM FOR MR. TOLSON

RECORDED

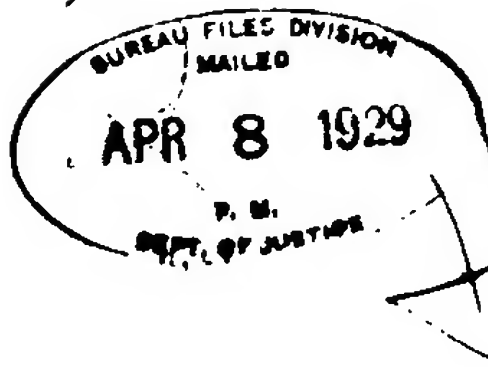
With further reference to the case involving Alphonse Capone and Mr. Kenneth Phillips - Contempt of Court Matter, there is transmitted herewith for your information, a copy of the report of Special Agent J. E. Perkins, dated April 2, 1929, at Jacksonville, Florida.

A copy of the report of Agent Perkins has been forwarded to United States Attorney Johnson of Chicago, Illinois.

Very truly yours,

Director.

Encl. #122112.



REC-103
62-120-22

April 8, 1929.

APR 8

RECORDED

Hon. George E. Q. Johnson,
United States Attorney,
Federal Building,
Chicago, Illinois.

Dear Sir:-

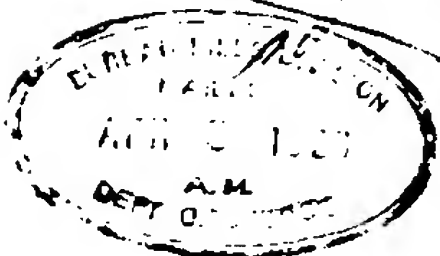
With further reference to the case relating
to Alphonse Capone and Dr. Kenneth Phillips - Contempt
of Court Matter, there is transmitted herewith for your
information, a copy of the report of Special Agent J. J.
Perkins, dated April 3, 1929, at Jacksonville, Florida.

Very truly yours,

Director.

Encl. #155116.
CC Chicago Office
Encl. #155120.

spcl delivery
10/11/29



[Handwritten signature]

81

Department of Justice.
OFFICE OF UNITED STATES ATTORNEY,
NORTHERN DISTRICT OF ILLINOIS,
826-833 FEDERAL BUILDING,
CHICAGO.

April 10, 1929.

Mr. J. Edgar Hoover, Director,
Bureau of Investigation,
Washington, D.C.

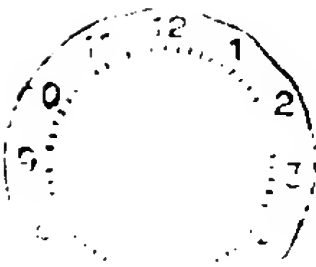
Dear Sir:

I thank you for your letter of April 8 enclosing
copy of report of your agent at Jacksonville, Florida,
in the Alphonse Capone matter.

GEQJ:MTH

Yours very respectfully,

GEORGE E. JOHNSON,
United States Attorney.



RECORDED

APR 13 1929

69-180-22
BUREAU OF INVESTIGATION
APR 12 1929 A. M.
DEPT. OF JUSTICE
Mr. One
Mr. Two
Mr. Three

82

REC-100
66-100-25

April 18, 1929.

RECORDED

APR 19 1929

MEMORANDUM FOR MR. WILLIAMS,
Assistant Attorney General.

For your information in connection with the investigation concerning Alphonse Capone and Dr. Kenneth Phillips - Contempt of Court Matter, there is transmitted herewith, for your information, a copy of a letter dated April 15, 1929 which the Bureau has received from its Chicago Office.

Very truly yours,

Director.

Enc. #129082

BUREAU FILES DIVISION
MAILED

APR 18 1929

P. M.

U. S. DEPT. OF JUSTICE

83

2

CONFIDENTIAL

69. 180

RE: ALPHONSE CAPONE,
DR. KENNETH PHILLIPS,
Contempt of Court and
Perjury

memo. Pers. Ab. all elements
#18-20

84

69-280-23
BUREAU OF INVESTIGATION
APR 27 1929 A.M.
DEPARTMENT OF JUSTICE
Div. Two FILE

APR 17 1928



Department of Justice

Bureau of Investigation

P.O.Box 32
Jacksonville, Fla.
May 31, 1929

Director
Bureau of Investigation
Department of Justice
Washington, D. C.

Dear Sir:-

Please refer to the file on ALPHONSE
CAPONE and KENNETH PHILLIPS, Contempt of
Court and Perjury, the most recent report
on which is the report of Agent J.J.Per-
kins, dated April 3, 1929.

If there is nothing further to be done on
this matter I would like to eliminate it
from my records. May I have your permission
to close the matter?

Very truly yours



George A. Campena
Special Agent in Charge.

GAC:LA

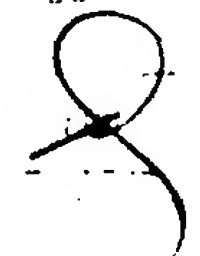
RECORDED & INDEXED

*Refer to
6-5-27*

JUN 8 - 1929

64-180-24

JUN 3	25
Dm. Twd	



85

REC-75
50-120 - 24

June 5, 1929.

RECORDED

JUN 6 - 1929

Mr. C. A. Campese,
P. O. Box 52,
Jacksonville, Fla.

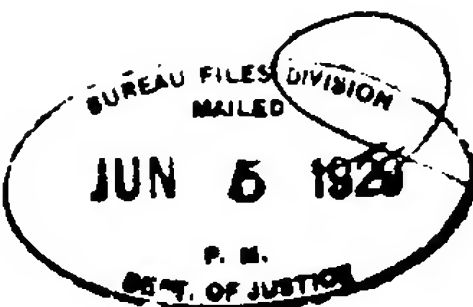
Dear Sir:-

Reference is made to
your letter dated May 22, 1929 relative to
the case entitled: - ALPHONSE CAPONE and
KENNETH PHILLIPS - Contempt of Court and
Perjury Matters.

In this connection,
you are advised that this matter has been
called to the attention of Assistant
Attorney General Willebrandt for suggestions
as to the advisability of presenting the
information obtained during the investigation
to the U. S. Attorney in Florida for his
decision with reference to the perjury angle
in this case.

Very truly yours,

Director.



MEMO: 30
69-180

June 4, 1929.

MEMORANDUM FOR MR. WILKINSON,
Assistant Attorney General.

Further reference is
made to the case entitled: - ALPHONSE CAPONE
and DR. KENNETH PHILLIPS - Contempt of Court
and Perjury Matter.

In this connection,
the Bureau will be pleased to be advised as
to your desires with reference to submitting
the facts obtained in this matter to the
U.S. Attorney in Florida in connection with
the allegations of perjury relating to the
statement submitted by Dr. Phillips.

Very truly yours,

Director.

69-180

RECORDED
B

69-180-25
710M

JUN 5 1929

FILE



ENC: 38
69-180

40252

June 13, 1929.

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL WILLIAMS:

Attention: Mr. Smith.

In accordance with the request of Mr. Smith of your Division, there is transmitted herewith, for your information, a photostatic copy of a letter dated March 18, 1929 addressed to the Attorney General, for your attention, by U. S. Attorney George E. Q. Johnson of Chicago, Ill., with reference to the case entitled: - ALFRED CAPONE and DR. KENNETH PHILLIPS - Contempt of Court and Perjury Matters.

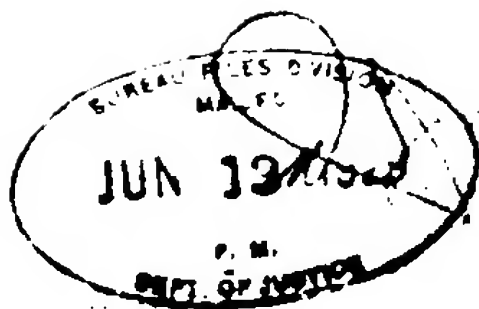
There is also enclosed, a photostatic copy of an affidavit which Dr. Phillips executed in connection with this case.

Very truly yours,

Enc. (126222

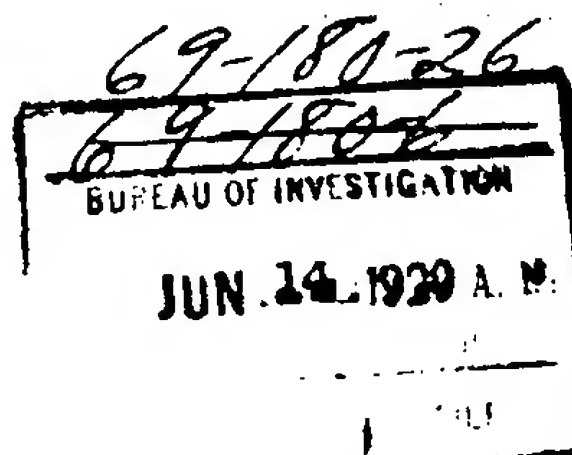
Director.

69-180



RECORDED

5



88

Department of Justice

Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO ILLINOIS



June 19th, 1929

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

Chicago File: 69-19

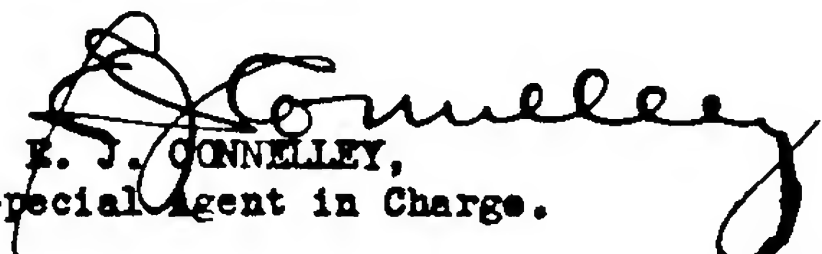
~~CONFIDENTIAL~~

Dear Sir:

RE: ALPHONSE CAPONE
DR. KENNETH PHILLIPS
Contempt of Court
and Perjury.

With further reference to my letter of April 15th, 1929, no further action has been taken as to the contempt citation as to subject Capone, and it is noted that this subject was recently arrested at Philadelphia, Pa. and charged with carrying concealed weapons, and on this charge he was sentenced and is now serving one year in the County Jail.

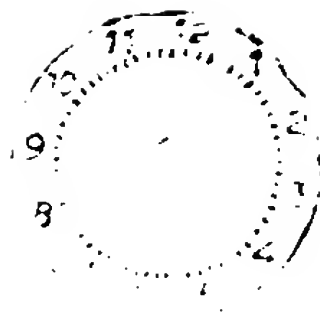
Very truly yours,


E. J. CONNELLEY,
Special Agent in Charge.

RJC:JMS

CC U.S. Atty. Chicago.

69-180



*Replied
6-21-29
WJC*

RECORDED

JUN 25 1929

69-180-27	
BUREAU OF INVESTIGATION	
JUN 21 1929 A.M.	
[Signature]	

89

WES:50
60-150-27

June 24, 1929.

RECORDED

JUN 25 1929

Mr. E. E. Connelley,
P. O. Box 1408,
Chicago, Ill.

Re: - Alphonse Capone and
Dr. Kenneth Phillips,
Contempt of Court and
Perjury.

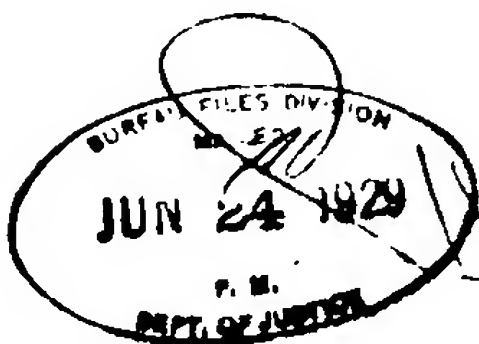
Dear Sir:-

Reference is made
to your letter dated June 19, 1929 relating to
the above entitled matter.

You are advised that
the facts which have been obtained in connection
with the investigation of this case have been
submitted to the Department and it would appear
that no further action is to be taken by the
Bureau until additional instructions are received
or until a time when subject Capone is given a
hearing on the charges of contempt now pending
against him.

Very truly yours,

Director.



90

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ADDRESS REPLY TO
"THE ATTORNEY GENERAL"
AND REFER TO
INITIALS AND NUMBER

DEPARTMENT OF JUSTICE

WASHINGTON, D. C.

JUN 1929

234121

234121

June 24, 1929. 69 180

2

MEMORANDUM FOR MR. HOOVER
Director, Bureau of Investigation

Receipt is acknowledged of your memorandum dated June 4, 1929, requesting advice as to my desire in reference to submitting the facts obtained in the Alphonse Capone and Dr. Kenneth Phillips contempt of court and perjury matter to the United States Attorney in Florida.

After reviewing the facts as developed and submitted by you in this case, I am of the opinion and respectfully request that they be transmitted to the United States Attorney for his consideration with a view to institution of the criminal proceedings they warrant.

Respectfully,

Maule Walker Millbrandt
Assistant Attorney General

RECORDED

JUN 28 1929

69-180-28

BUREAU OF INVESTIGATION	
JUN 28 1929 A. M.	U. S. DEPT. OF JUSTICE

2 encl
H. J. [unclear]
P. H. [unclear]

6/27/29

91

U. S. DEPT. OF JUSTICE
BUREAU OF INVESTIGATION
JUN 28 1929

ENC: 1MM
65-150-22

June 27, 1929.

RECORDED

Mr. C. A. Campen,
Post Box 22,
Jacksonville, Fla.

JUN 28 1929

Dear Sir:

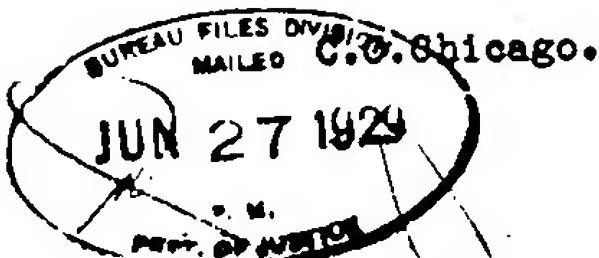
Reference is made to the case concerning MR. KENNETH PHILLIPS and ALPHONSE CAPONE - Contempt of Court and Perjury. In regard to this matter, you are advised that the Bureau is in receipt of a memorandum from Assistant Attorney General Willebrandt requesting that the facts of this case be presented to the United States Attorney in Florida with reference to a possible perjury charge in connection with the affidavit submitted by Dr. Phillips.

The Bureau has received a report that on March 27, 1929, Alphonse Capone was cited for contempt of court before United States District Judge Woodard at Chicago, Ill., in connection with his having failed to respond to a subpoena served upon him in Florida on March 12, 1929. All the facts relating to this matter should be submitted to the United States Attorney in question for his decision as to further action.

Copies of all further reports relating to this matter showing Jacksonville as the office of origin should be submitted both to the Bureau and to the Chicago office. The United States Attorney at Chicago and the Chicago office have previously been furnished with copies of reports in this matter.

Very truly yours,

Director.



92

REC-78
62-250-23

RECORDED

JUL 19 1929

July 18, 1929.

Mr. H. J. Connelley,
P. O. Box 1488,
Chicago, Ill.

Dear Sir:-

There are enclosed herewith
your information, three copies of the report of Special
Agent Felix O. Cox, dated July 12, 1929 at Jacksonville
Florida relative to the case entitled: - ALPHONSE GAY
and KENNETH PHILLIPS, M. D. - Contempt of Court and
One copy of the above mentioned report should be submi-
to the U. S. Attorney at Chicago, who should be advised
the Department has requested that the facts in this
matter be presented to the U. S. Attorney for the
Southern District of Florida for his consideration, with
a view to the institution of such criminal proceeding
on the facts may warrant, particularly with reference
the allegations indicating perjury on the part of
Phillips.

The Jacksonville O.
requested to send copies of the report to you
directed in the Bureau's letter dated July 27

Very truly yours

Enc. 312492.

cc - Jacksonville Office.

Director.



THIS CASE ORIGINATED AT Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: 7-12-29	PERIOD FOR WHICH MADE: 7-11-29	REPORT MADE BY: Felix O. Cox.
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.			CHARACTER OF CASE: CONTEMPT OF COURT PERJURY
SYNOPSIS OF FACTS: <u>SUMMARY REPORT</u> Ex. File 44-0			
<p>In this case the Subject Kenneth Phillips, M. D., at Miami, Florida, on the 5th day of March, 1929, made an affidavit stating in brief that he is personally acquainted with Subject Alphonse Capone and that he had been professionally attending the said Capone continuously since January 15, 1929, and that the said Capone was suffering with Broncho Pneumonia Pleurisy and was confined to his bed at his home on Palm Island, from the 13th day of January to the 23rd day of February, 1929, or ten days prior to the date of the affidavit and that it would be dangerous for the said Capone to leave the mild climate of Florida and proceed to the City of Chicago, Illinois, and that his professional opinion was that such a trip would impair the safety of the said Capone and that there would be a grave risk of collapse which might result in his death from recurrent Pneumonia. This affidavit was to be used by the said Capone for the purpose of obtaining a continuance of his response to a Grand Jury subpoena at Chicago, Illinois, and was presented to Judge Wilkerson of the United States District Court at Chicago for that purpose. The time covered by this affidavit namely from January 15, 1929 to ten days prior to March 5, 1929, the said Alphonse Capone was not sick nor confined to his bed as is sworn to be a fact by the said Kenneth Phillips, M. D., but was well, strong and able to be about in his usual manner, and therefore the affidavit is wholly false and without foundation.</p> <p>The witnesses for the Government in this investigation, each of whom made an affidavit as to what he would swear to are as follows:</p> <p>(1) SIDNEY JOSEPH NEWCOMB, 3346 S. W. 24th Street, Miami, Florida, will testify that he was employed by the Miami Jockey Club at Bialeah, Florida, during the racing season of 1927 and 1928; that on January 17, 1929, Alphonse Capone was</p>			
APPROVED AND FORWARDED: <i>J.P. Lee, Acting</i>		DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT FURNISHED TO: 6 Bureau 4 Jacksonville		BUREAU OF INVESTIGATION JUL 15 1929 A.M. DEPARTMENT OF JUSTICE ROUTED TO: <i>Dw. Two</i> FILE	
		RECORDS AND INDEXED: JUL 18 1929 CHECKED OFF: JUL 19 1929 JACKETED: <i>5</i>	

present as a spectator at the race track at Hialeah, Florida; that he personally saw him thirty different times between the 17th day of January, being the day the races opened and the first day of March, 1929.

(2) JOSEPH JENKINS, for the past six years connected with the Miami Police Department, will testify that he was assigned to duty at the Hialeah Race Track, Hialeah, Florida, by Sheriff J. J. Scarboro, Miami Police Department, on duty at the race track on January 17, 1929, and that he personally observed Al Capone at the races at Hialeah, Florida, approximately twenty times during the racing season.

(3) W. B. WOOD, Police Officer of Hialeah, Florida, will testify that he was assigned to duty at the Hialeah Race Track, Hialeah, Florida, on January 17, 1929, and that a man was pointed out to him as Al Capone by W. H. Foster whom he was told was Al Capone's driver. That thereafter his regular beat carried him in front of the box occupied by the man known as Al Capone and that he personally observed this man in his box nearly every Thursday, Friday and Saturday during the continuation of the racing season.

(4) C. E. BREWER, Police Officer, Hialeah, Florida, will testify that he observed a man who had been pointed out to him as Al Capone, Chicago gangster, as a spectator at the races at Hialeah, Florida, approximately twenty times during the racing season in 1929, which began January 17th and ended March 13, 1929.

(5) W. R. FOSTER, Police Officer of Hialeah, Florida, will testify that he was assigned to duty at the Hialeah Race Track on January 17, 1929, and did continuous duty there until February 1, 1929, that he saw Al Capone at least every other day at the Hialeah race track during the time that he was assigned to duty there; that on February 15, 1929, he did continuous duty until the day of the closing of the races, March 13, 1929, and that he saw Al Capone at least every other day between February 15th and March 13th, 1929, as an attendant at the races.

(6) J. M. GORONAS, Police Officer, Hialeah, Florida, will testify that he did continuous duty at the horse races at Hialeah, Florida, from January 17, 1929 to March 13, 1929; that on January 18, 1929, the second day of the races, he observed Al Capone at the race track, and from that date up to and including March 13, 1929, the day the races closed, he observed the said Capone at least twenty-four different times of the meet; that between February 1, and February 15, 1929, he observed the said Capone at the races at least thirteen different times, that he knew the said Capone and remembers his being there, that he saw him parking automobiles in front of the race track and that Capone gave him a \$10.00 tip and thereafter he looked forward to his daily visits with a great deal of interest; that at first, Capone looked to be in good health, but toward the end of the meet, did not look so well.

(7) ROBERT R. TAYLOR, JR., County Solicitor for Bada County, Florida, will testify that on February 14, 1929 at 12:30 P. M., he in company with Louis Goldstein Assistant District Attorney for Kings County, New York, talked to Al Capone

in the office of County Solicitor in the Court House at Miami, Florida, for two hours and that from all appearances the said Capone was in perfect health.

(8) RUTH GASKIN, Stenographer in the office of County Solicitor, Dade County, will corroborate Mr. Taylor's testimony.

(9) CAPTAIN WILLIAM F. BISHOP, Master of the Steamship New Northland, will testify that the vessel flies between the Port of Miami, Florida, and the Port of Nassau, Bahamas, and that he testified that on the morning of February 2, 1929, the Northland left the Port of Miami, Florida, and that among the passengers on that date was Al Capone, who he personally identified as Al Capone and that he saw him in perfect health and apparently enjoying himself. He also testified that Al Capone and his party returned to the Steamship New Northland from the Port of Nassau, Bahamas, to the Port of Miami, Florida, and that he saw Al Capone once during the return trip, but that he appeared to be in perfect health.

(10) JOHN WILLIAM COOPER, Jr., who resides at 408 Ocean Drive, Miami, Florida, will testify that he is District Traveling Passenger Agent for the Hanson Steamship Lines, at Miami, Florida, which operates the Steamship New Northland, plying between the Port of Miami and the Port of Nassau, Bahamas; that on February 2, 1929, he was at the Municipal Pier #3, Miami, Florida, watching passengers boarding the said steamship; that among the passengers boarding the vessel that date was Al Capone, his brother Alfred Capone, Van Phillips and others; that he personally saw the said Capone board the ship that day and saw Capone stand on the deck of the Northland as it left the Port of Miami.

(11) EDWARD WINDMILLER, who resides at 1442 N. W. Bayshore Drive, Miami, Florida, will testify that he is pilot for the Curtiss Flying Service of Miami, Florida; that on February 2, 1929 he piloted Seaplane NO 6813 from Miami, Florida, to Miami, Bahamas, carrying Al Capone, J. R. Clark, W. C. Ciofella and P. L. Delandrea, arriving about 2:00 P. M., the same day; that this Al Capone is the same person that owns a residence at Palm Island, Miami Beach, and he appeared to be in perfect health.

(12) W. E. KYSTER, Assistant District Director, Immigration Service, Jacksonville, Florida, can produce the records of the Port of Miami for February 1929, which will reflect:

Out-bound manifest records show that the American Seaplane NO 6813 departed from Miami, Fla., for Miami, Bahamas, February 2, 1929, having on board Al Capone, J. R. Clark, W. C. Ciofella and Philip Delandrea.

In-bound manifest records will disclose that on the same day the same passengers were returned to Miami, Florida, aboard the same ship. Further, that out-bound Steamship New Northland, Voyage 51, departed from the Port of Miami for Nassau, Bahama on

96

February 8, 1929, having as passengers, among others,
Al Capone, Albert Capone, Philip DeAndrea, Fred Girton,
Wen Phillips, ^{and} William McCabe.

In-bound manifest, S.S. "New Northland" departed from
Hamburg, Germany, on February 13, 1929, arriving at New York
on February 23, 1929. The passengers listed on the manifest
are the same party above listed.

Alphonse Capone, Subject of this investigation, is a
Capone commonly known as "Scar Face". His criminal record
is such that it is believed he will be radically expelled from
the United States. To say the least, he is a well known character
in this case does not attempt to set forth in detail, nor in fact, the
criminal record of Subject Capone.

Nothing is shown in the record in regard to a previous criminal
record of the Subject Kenneth Phillips, M. D.

ENC. 34
62-150-89

July 22, 1929.

RECORDED

MEMORANDUM FOR THE ASSISTANT ATTORNEY GENERAL IN CHARGE
OF PROSECUTION.

Attention: Mr. Smith.

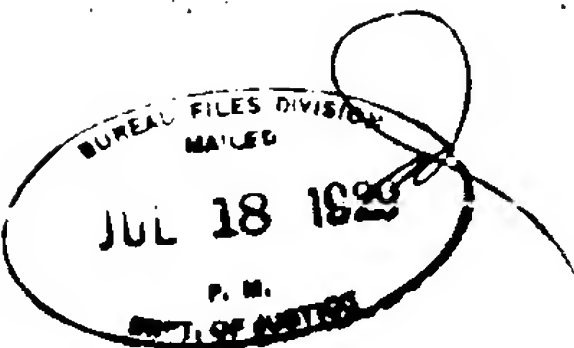
With reference to your memorandum dated June 21, 1929 relating to the case entitled: - ALPHONSE CARONE and KENNETH PHILLIPS, M. D. - Contempt of Court and Perjury Matters, there is enclosed herewith, for your information, a copy of a report of Special Agent Felix S. Cox, dated July 12, 1929 at Jacksonville, Florida.

A copy of the report in question has been submitted to the U. S. Attorney for the Southern District of Florida for such action as may appear to be appropriate.

Very truly yours,

Enc. 126931

Director.



69-180

POST OFFICE BOX 1408
CHICAGO, ILLINOIS

Mr. George E. Q. Johnson,
United States Attorney
Federal Building,
Chicago, Illinois.

ALPHONSE CAPONE
MR. KENNETH PHILLIPS, R.A.
Contempt of Court and
Perjury.

Dear Sir:

There is enclosed herewith to you summary report
of Agent Cox, Jacksonville, Fla. Dated July 12th, 1929, in the
above entitled matter.

In connection with this report our Bureau advises
that the Department has requested that the facts in this matter
be presented to the United States Attorney for the Southern
District of Florida for his consideration, with a view of
instituting such criminal proceedings as the facts may warrant,
particularly with reference to the allegation indicating
Perjury on the part of Doctor Phillips.

As previously indicated subject Alphonse Capone
is now serving a one year sentence imposed in the local courts
at Philadelphia in connection with his arrest there for carry-
ing concealed weapons.

Very truly yours,

RECORDED

E. J. CONNELLEY,
Special Agent

EJC:JMS

DD Director
CC Jacksonville

JUL 27 1929

69-180-30

BUREAU OF INVESTIGATION	
JUL 25 1929 A. M.	
DEPARTMENT OF JUSTICE	
Div. Two	FILE

99

Department of Justice

Bureau of Investigation
POST OFFICE BOX 1405
CHICAGO, ILLINOIS

69-180-31
JUL 31 1929
BUREAU OF INVESTIGATION

July 29th, 1929
Chicago File: 69-19

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

RE: ALPHONSE CAPONE
DR. KENNETH O'PHILLIPS
Contempt of Court and
Perjury.

Dear Sir:

As instructed in your letter of July 18th, 1929, copy of summary report of Agent Cox, Jacksonville, Florida, dated July 12th, 1929, in the above entitled matter, was submitted to the United States Attorney at Chicago, together with the information as directed in your letter, and in acknowledging receipt of same the United States Attorney at Chicago advises as per copy of letter attached hereto.

Very truly yours,

E. J. Connelley
E. J. CONNELLEY,
Special Agent in Charge.

RJC:JMS

CC Jacksonville

1 Encl
35
6 E.S. + att
J.E.S. + att
attach 168-3-29
Copy sent.

RECORDED
69-180-31
AUG 5 - 1929
BUREAU OF INVESTIGATION
JUL 31 '29 A.M.
DEPARTMENT OF JUSTICE
Div. Two

100

(COPY)

UNITED STATES ATTORNEY

Northern District of Illinois

Chicago

Re: ALFRED CAPONE,
Dr. ALBERT PHILLIPS
Contempt of Court and Racket

Mr. E. J. Connelley

Special Agent in Charge,

Chicago, Illinois.

Dear Sir:

In the above matter, I am writing the Attorney

General today asking that the United States Attorney

at Miami, Florida, be requested not to proceed in the
matter.

There is a criminal information for contempt pend-
ing here, which I expect to try some time during the
fall or as soon as Capone is released from jail, and
there is another criminal investigation pending. I
shall expect to use Dr. Phillips as a witness and I
am asking that the entire matter be deferred until
we are ready to proceed here.

Yours very respectfully

(Signed) GEORGE E. Q. JOHNSON
United States Attorney.

GEQJ:MEH

69-180-31

101

P. O. Box 32

JACKSONVILLE, FLA.

JAN 22, 1933

Mr. E. J. Connelley
P. O. Box 1406
Chicago, Ill.

RE: ALPHONSE CAPONE & MR. KENNETH PHILLIPS
CONTINUED OF COURT, PERJURY

Dear Sir:

It will be appreciated if you will advise this office, for the information of the U. S. Attorney in this district, as to the status of the prosecution at Chicago, Ill. involving these subjects.

Very truly yours,

J. P. MacFarland
Special Agent in Charge

JPM:CB

cc: Director

cc: 1

69-750
BUREAU OF INVESTIGATION
JAN 24 1933 A. M.
DEPARTMENT OF JUSTICE

[Signature]

MEMO: 36
44-180-51

August 8, 1929.

RECORDED

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL IN CHARGE
OF PROSECUTION.

Attention: Mr. Smith.

AUG 8 - 1929

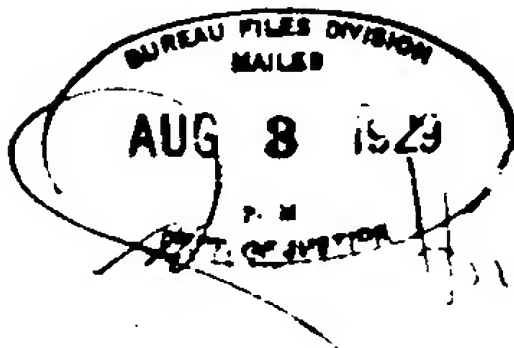
Further reference is made to the case
entitled: - ALFRED CARPIS and DR. EDWARD
PHILLIPS - Contempt of Court and Perjury.

In this connection, there is trans-
mitted herewith, for your information, a copy
of a letter addressed to the Chicago Office of
this Bureau by U. S. Attorney Johnson at
Chicago, Ill., relative to the action which
you requested in referring the facts of this
matter to the U. S. Attorney at Miami, Florida
for the latter's decision as to further action.

Very truly yours,

Enc. #186555

Director.



U. S. Department of Justice
Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS

January 25th, 1930

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

Chicago File: 69-19

RE: ALPHONSE CAPONE;
Dr. KENNETH PHILLIPS
Contempt of Court.
Perjury.

Dear Sir:

On January 24th, 1930, I conferred with Mr. George E. Q. Johnson, United States Attorney at Chicago, Ill. as to the present status of the case against Alphonse Capone, and he advised that upon the release of this party from the jail at Philadelphia, Pa. which is expected about May, 1930, he will be granted such time as necessary to appear at Chicago under the prior bond of \$5000.00, and that further action in this matter will be deferred until such time.

Very truly yours,

E. J. Connelley
E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

RECORDED

JAN 31 1930

69-180-32
JAN 27 1930
Dio. Two

104

JTV:JO
89-180-22

January 30, 1930.

RECORDED

JAN 31 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST.

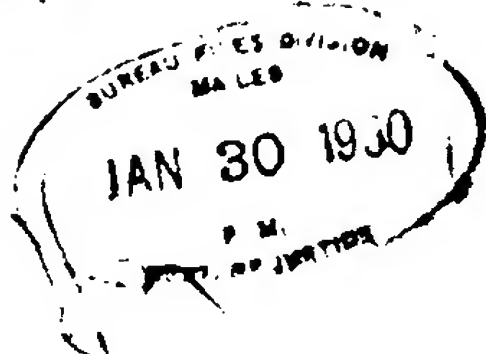
With further reference to the case entitled: - ALFRED CAPORE, JR. KENNETH PHILLIPS, -Contempt of Court, Perjury, there is transmitted herewith, a copy of a letter dated January 25, 1930, which the Bureau has received from the Agent in Charge of the Chicago Office.

Very truly yours,

Director.

Enc. 452538

gm



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FTT:AM
68-160-24

March 27, 1930.

RECORDED
MAR 28 1930

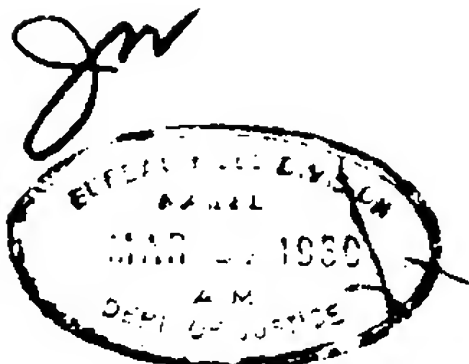
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST

With further reference to the case entitled ALPHONSE CAPONE, DR. KENNETH PHILLIPS, Contempt of Court, Perjury, there is attached hereto for your information a copy of a letter dated March 20, 1930 which the Bureau has received from the Chicago office.

Very truly yours,

Director.

Inc. 482718.



B

106

U. S. Department of Justice
Bureau of Investigation

POST OFFICE BOX 1405
CHICAGO, ILLINOIS



March 20th, 1930

Chicago File 69-19

Director,
Bureau of Investigation
Department of Justice,
Washington, D.C.

RE: ALPHONSE CAPONE
Dr. Kenneth Phillips,
CONTEMPT OF COURT
PERJURY.

Dear Sir:

Subject ALPHONSE CAPONE was released from jail at Philadelphia, Pa. March 17th, 1930, after serving ten months sentence there in connection with charge of carrying concealed weapons.

Mr. George E. Q. Johnson, United States Attorney at Chicago advises me that the case as to subject is awaiting disposition at Chicago and that same will have attention in the near future as to possible prosecution of Capone for his activities in this matter.

Very truly yours,


E. J. CONNELLEY,
Special Agent in Charge.

EJC:JMS

CC Jacksonville

69-180-33

MAR 28 1930

MAR 27 1930

107

copy to
Youngquist
5/27/30

Tracy



RE: JO

April 9, 1930.

MEMORANDUM FOR THE DIRECTOR:

A. W. Johnson, messenger applicant.

Mr. Stowell, Special Agent applicant for re-
appointment.

Mr. Chase called on the telephone. Stated the
Attorney General was inquiring whether we were or
had been investigating Depone. Was told of the
nature of the Bureau's investigation initiated over
a year ago at the request of Mrs. Willibrand, with
regard to a contempt proceedings and that Atter-
berry Johnson possessed all of the facts.
Was permitted to read file.

Very truly yours,

H. Nathan

69-180

RECORDED & INDEXED

APR 14 1930

69-180-34	
BUREAU OF INVESTIGATION	
APR 12 1930 P. M.	
U. S. DEPT. OF JUSTICE	
Div. One	FILE

102

RECORDED

VAN:AMP
69-180-88

April 17, 1930.

APR 19 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL YOUNGQUIST

With further reference to the case entitled ALPHONSE CAPONE, KENNETH PHILLIPS, M. D., CONTEMPT OF COURT, PERJURY, there is attached hereto for your information a copy of a report of Special Agent in Charge J. P. MacFarland, dated April 11, 1930, at Jacksonville, Fla.

Very truly yours,

Director.

Incl. #767113.

BUREAU FILE

APR 17 1930

SW
11/11/30

11

109
8

THIS CASE ORIGINATED AT

Jacksonville, Fla.

REPORT MADE AT: Jacksonville, Fla.	DATE WHEN MADE: Apr. 11, 1930	PERIOD FOR WHICH MADE: Apr. 9, 1930	REPORT MADE BY: J. P. MacFarland
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.		CHARACTER OF CASE: CONTRACT BY COURT PERJURY	
SYNOPSIS OF FACTS: United States Attorney W. P. Hughes advises no action contemplated to be taken in this matter until case pending against Subject Capone at Chicago, Ill., is finally disposed of.			
DETAILS: On April 9, 1930 the writer conferred with United States Attorney W. P. Hughes at Jacksonville, Florida, relative to what prosecutive action he contemplates instituting in this matter. Mr. Hughes stated that no action will be taken in this district until the case pending against Subject Capone at Chicago, Ill., is brought to trial.			
PENDING			
DETAILS:			
DO NOT WRITE IN THESE SPACES			
APPROVED AND FORWARDED: <i>J. P. MacFarland</i>	SPECIAL AGENT IN CHARGE	69-180-35 BUREAU OF INVESTIGATION APR 14 10 00 AM DEPARTMENT OF JUSTICE ROUTED TO: Div. Two	RECORDED AND INDEXED: APR 15 1930 CHECKED OFF: APR 19 1930 JACKETED:
COPIES OF THIS REPORT FURNISHED TO: 3 Bureau 2 Chicago 3 Jacksonville (1, U. S. Atty. Jax.) ML			

JW:AMP
69-180-

2, 1930.

Mr. C. I. Keop,
P. O. Box 967,
Pittsburgh, Pa.

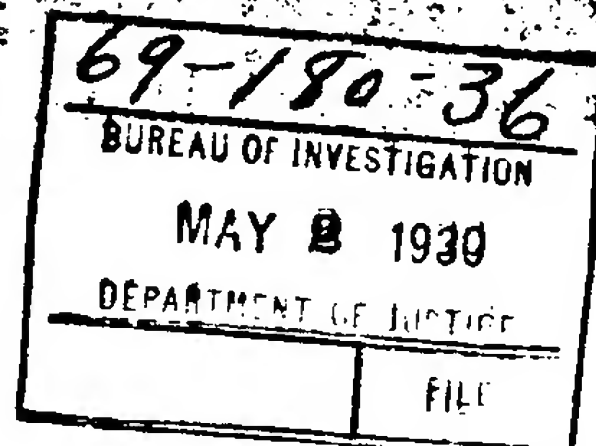
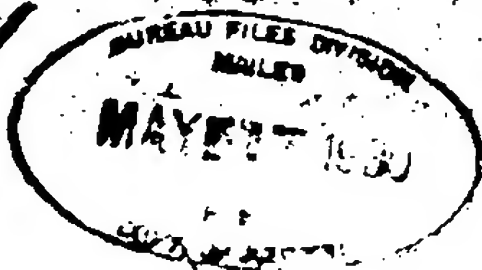
Dear Sir:

Reference is made to your letter of March 20, 1930, relative to the case entitled ALPHONSE CAPONE, DR. KENNETH PHILLIPS, CONSPIRACY OF COURT, PERJURY, concerning which it is suggested that you again confer with the U. S. Attorney at Chicago for the purpose of ascertaining if possible what disposition is to be made of this matter.

Very truly yours,

Director

RECORDED



P. O. Box 987,
Pittsburgh, Penna.

MAY 3, 1930.

Mr. E. J. Connelley,
P. O. Box 1488,
Chicago, Ill.

Dear Sir:

I am transmitting herewith a letter signed by the Director, which was evidently intended for your office, so it is requested that the matter be taken up with the U. S. Attorney at Chicago. The letter reads:

May 1, 1930.

Reference is made to your letter of March 20, 1930, relative to the case entitled ALFONSO CAPORE, RE. KENNETH PHILLIPS, CONTEMPT OF COURT, PERJURY, concerning which it is suggested that you again confer with the U. S. Attorney at Chicago for the purpose of ascertaining if possible what disposition is to be made of this matter.

The Pittsburgh office has no file in this matter.

Very truly yours,

(Signed) C. L. Keop.

C. L. Keop,
Special Agent in Charge.

CC Bureau ✓

69-180
BUREAU OF INVESTIGATION
MAY 5 1930
DI
[Signature]
112

April 24, 1928.

MEMORANDUM FOR THE DIRECTOR

RE: AL BROWN

The files of the National Division of Identification and Information reveal that the above named individual was arrested May 17, 1928, at Phila., Penn., as being a suspicious character and was charged with carrying concealed deadly weapons. He was sentenced the same date to serve one year in the Eastern State Penitentiary. At that time his birthplace was given as New York City, his age, 32, and his occupation, leather-cutter. The records contain the notation that he had been arrested at New York and Chicago respectively on suspicion of murder. However, the dates of the above arrests or other data were not given. A letter in the Bureau's files indicated that Al Capone on or about January 19, 1926, under the alias of SCARFACED AL BROWN was arrested and charged with homicide in Brooklyn, New York, at which time he was released on bond.

In April, 1928, an investigation was conducted at the request of the United States Attorney for the Southern District of New York for the purpose of locating one, A. J. CAPORE, whose presence was desired at New York City in the case entitled U.S. vs. HENSON, et al. Capone was located in Chicago and appeared as a witness in the above proceeding. On August 29, 1924, Capone was located by agents of the Chicago office of the Bureau, it being stated at that time he was wanted as a witness in a civil suit which the Government brought for damage to a mail truck. This investigation was instituted at the request of the United States Attorney in that City. It was reported in December, 1925, that Capone, JOHN TORRES and one ROCKS VANILLA had purchased a tract of land at Clearwater, Florida, for \$150,000.

An affidavit was presented to Federal Judge Wilkerson, March 12, 1929, at Chicago, Illinois, sworn to before United States Commissioner Spittler at Miami, Florida, by Dr. EDWIN PHILLIPS to the effect that Capone for six weeks subsequent to January 15, 1929, had been confined to his bed at Miami because of illness and, consequently, was unable to respond to a Grand Jury subpoena issued for him from the Federal Court at Chicago. The United States Attorney doubted the truth of the affidavit submitted and referred the matter to the Department. Subsequently, the Bureau was requested by the former Assistant Attorney General in charge of Prohibition to conduct an investigation of the matter, which disclosed that the affidavit submitted over the signature of Dr. Phillips was not true as Capone during the time indicated in the affidavit, had attended several sporting events at Miami and was otherwise actively engaged. A citation for contempt was issued against him in Chicago on March 27, 1929.

69-180

Recorded copy in 62-23531-6

113

-2-

at which time he was placed under arrest and his bond fixed at \$5,000. Having furnished the bond, he was released.

Under date of March 30, 1930, the United States Attorney at Chicago advised that he contemplated making appropriate disposition of the contempt proceedings in the very near future. The institution of prosecutive action in the Florida District has been suspended, pending the outcome of the contempt proceedings in Chicago.

In January, 1930, a statement was obtained from one WALKER GRIFFITH, an employee of the Burns Detective Agency at Chicago to the effect that in April, 1929, he accompanied Sergeant WALTER CONROY of the Police Department of that City on several evenings when the latter visited various speakeasies and houses of ill-repute for the purpose of collecting money and soliciting votes for one R. P. HALL, a candidate for an office in Chicago. Conroy was very abusive of his victims and according to Griffith, obtained on one evening approximately \$3,500. Griffith stated that Conroy informed him that he was a lieutenant of Al Capone who was telling him what to do. The above information appears in a report dated January 18, 1930, at Chicago, in the case entitled R. P. HALL, ET AL, CONSPIRACY TO VIOLATE THE NATIONAL PROHIBITION ACT, a copy of which was furnished the United States Attorney at South Bend, Indiana.

Respectfully,

J. J. Waters.

114

WAM:AMP
69-180-38
69-180-38

May 5, 1930.

RECORDED & INDEXED

MAY 6 1930

MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL JOURNALIST

69 180

With further reference to the case entitled ALPHONSE CAPONE, KENNETH PHILLIPS, M. D., CONTEMPT OF COURT, PERJURY, there is attached hereto the original of an anonymous communication bearing no date, directed to the President, relative to the temporary injunction issued by U. S. District Judge H. L. Ritter, Miami, Florida, restraining Florida officials from deporting Alphonse Capone from the State of Florida.

Unless specifically requested, the Bureau will take no action relative to this matter.

Very truly yours,

Director.

Incl. #643571.

BUREAU FILES DIVISION
MAILED
MAY 5 1930

115

L

11/11/11

Handwritten signature or mark

Washington, D. C.



Mr. Herbert Hoover
To President Hoover

Dear Sir:

We ask your thoughtful consideration of the enclosed clipping - and then in the name of all decent citizens, who have a right to demand it - we ask action. You have expressed yourself as believing in States Rights - If States Rights mean any thing at all, it surely gives the Governor of a State the Right to eject from its borders a confirmed & proven criminal and crook - who having amassed a large fortune through the plying of an illegal trade and wholesale murder - now asks to be allowed to enjoy

Washington, D. C.

the same ^{unmolested} - 2 -
and according to
the evidence to continue to
ply this trade within the borders
of the State of Florida - The
eyes of the whole country are
on you and we shall see if
this Government - having made
such a brave show of enforcing
law, does not - mean it - nor
require of a citizen that he
make his money legitimately.
If the Federal Government may
~~thus~~ interfere in the State's
Right - to eject a proven
Criminal an outcast from
its borders, of what avail
is all this show of law-en-
forcement, and what right
then has the Federal Govt
to ask or expect - the Co-operation
of States in enforcing Federal laws

Washington, D. C.

Is this Federal Government

concerning with Prosser and
Criminals? According to the
Authorities of Chicago and Cook
Co. And the Press. It is not known
just how many Men have been
sent into Trinity at Al. Spores
Command, but quite a large
number - Indeed the Press, even
the Star in Wash. have made
a fest. of his "syndicate of Crime
& Outlawry" - It seems too, he
belongs to a religious Creed - how
actively at work with proper
ganda & otherwise - which has
deliberately arrayed itself a
gainst - our Govt. and defies
it - Recent disclosures have
proven this. Shall the Govt
connive with these, and the
Men who ply an unlawful
trade & amass large
fortunes dishonestly & bloodily?
If so, it cannot expect, and does not
deserve the support of honest-Citizens.

#

In simple justice and respect
 for consistency, the honest citizens
 of this country will demand
 a rescinding of the ^{order} Federal
 Office in Florida ^{to pay his insurance benefit} Al
 Capone to stay; And the loudest
 scorn & contempt and open defiance
 of the Governor of the State;
 If this Govt. is thus determined
 to protect Crooks and murderers,
 by all means let it be known
 generally - and "Call off" your
 "pretty program" of law enforce-
 ment! We promise you & the
 Party it will not help your
 cause, as the Govt. in
 Fla. We cannot believe yet
 that Herbert Hoover will sanc-
 tion such high handed pro-
 ceedings - "Hoover Democrat" who
 will never "do so" again -
 unless this order is rescinded
 & this Govt. refuses to act against the Gov. of Fla.

~~we have~~ some political influence
Thank God!

We ask that this letter be referred
to the proper Dept. and immediate
action taken.

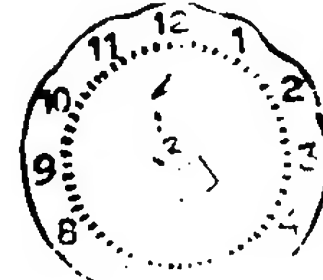
If the ^{Federal} Government does not
rescind this Order or Infraction
of its agent in Florida, it shows
before the world that it really
is not willing to law-enforcement -
moreover has put a premium & its
sanction on amassing wealth
dishonestly & by Murder & Crime.

JOHN EDGAR HOOVER
DIRECTOR

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

May 14, 1930.

U. S. Dist. Ct.



MAY 14

MEMORANDUM FOR THE DIRECTOR

*2-14-30
5-14-30*
IN RE: AL CAPONE

The Bureau file discloses that an investigation was made by the Jacksonville office of the Bureau during 1929 relative to an affidavit by Dr. Kenneth Phillips which was submitted to the U. S. District Court at Chicago in explanation of Al Capone's failure to respond to a grand jury subpoena. This investigation disclosed that the above affidavit was untrue in that during the time that he was alleged to be sick, he attended several sporting events in Miami, Fla. and was otherwise actively engaged.

On March 27, 1929 a contempt citation was issued by U. S. District Judge Charles B. Woodward at Chicago, Ill. as against Alphonse Capone, charging him with contempt for failing to respond to the above mentioned subpoena. On the same date he was arraigned before the Court and gave bond in the sum of \$5,000 for his appearance when called to answer this charge.

To date this case has not been disposed of and the most recent information in the files relative to this pending case in the Chicago district is a letter from Special Agent in Charge E. J. Connelley dated March 20, 1930 wherein he states that U. S. Attorney George E. Q. Johnson informed him that the case will have attention in the near future.

In view of the fact that the affidavit of Dr. Phillips was made in Florida, the result of the investigation in connection therewith was submitted to the U. S. Attorney at Jacksonville, Fla., and the status of the Florida angle of the case, which involves contempt of court and perjury, is that no action is contemplated in that district until the case against Capone at Chicago, Ill. is finally disposed of.

RECORDED
Respectfully,

W. A. McSwain
W. A. McSwain.

69-180-39	
BUREAU OF INVESTIGATION	
MAY 15 1930 A. M.	
DEPARTMENT OF JUSTICE	
Div. One	FILE

121

JKH:MO'B

69-180-39

RECORDED

May 14, 1930.

MAY 15 1930

MEMORANDUM FOR THE ATTORNEY GENERAL.

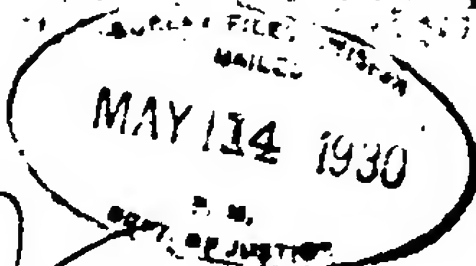
I am transmitting herewith a copy of a memorandum which I have just had prepared covering the case of Al Capone, the notorious Chicago racketeer.

It is noted from the memorandum that the Bureau of Investigation in 1929 made an investigation of the activities of this individual in connection with an alleged contempt of Court and I believe that the evidence obtained by Agents of this Bureau is sufficient to support successfully the contempt citation issued in March of 1929. To date, however, this case has not been disposed of by the United States Attorney at Chicago. In view of the notorious activities of Capone I thought I should bring the matter to your attention as it might be considered desirable for the Department to communicate with the United States Attorney at Chicago regarding the final disposition of this matter.

Respectfully,

Encl.

Director.



JOHN EDGAR HOOVER
DIRECTOR

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

May 14, 1930.

MEMORANDUM FOR THE DIRECTOR

Re: AL CAPONE.

I have just made a very thorough review of the Bureau file in connection with the above matter and it is my opinion that the affidavit submitted by Dr. KENNETH PHILLIPS in connection with the above contains certain material false statements which would justify a citation for Contempt of Court.

The affidavit of Dr. Phillips, dated March 15, 1929, is to the effect that he professionally attended Capone from January 13th to March 15, 1929; that Capone during that time was suffering with broncho-pneumonia pleurisy with effusion of fluid into the chest cavity and for six weeks was confined to his bed at his home on Palm Island and was out of bed only ten days prior to the date of the affidavit; that his condition was such that it would be dangerous for him to leave the mild climate of Southern Florida and go to the City of Chicago, Illinois.

Affidavits were secured from eight persons who saw Capone on numerous occasions at the races at the Miami Jockey Club at Hialeah, Fla. during the period of January 17, 1929 to March 13, 1929. These persons state that while attending the races, Capone appeared to be in the best of health.

There is conclusive evidence that Capone on February 8, 1929, took a trip to Nassau Bahama and returned to Miami on February 13, 1929.

There is no doubt that Al Capone was ill during the first part of January, 1929, and was confined to his bed with influenza or possibly pneumonia. However, the evidence above referred to proves that he had sufficiently recovered therefrom to be up and about.

It is significant to note that Dr. Phillips, who prepared the affidavit above alluded to, formerly practiced medicine in the City of Chicago, Illinois and was called upon to attend Capone on January 17th, replacing Dr. Samuel D. Light, as attending physician.

MAY 16 1930

Respectfully,

W. A. McSwain.

BUREAU OF INVESTIGATION

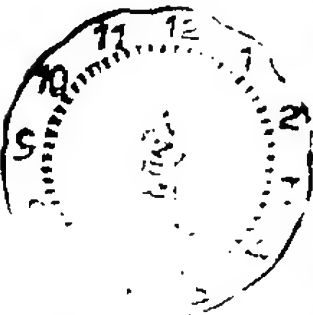
MAY 15 1930 P. M.
DEPARTMENT OF JUSTICE

Dis. Rec.

FILE

Matter called to the attention
of the A. G.
5/14/30

J. B. H.



MAY 14 1930

123

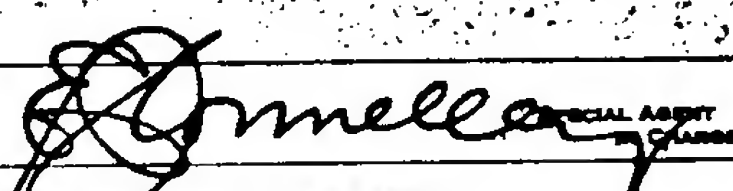

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69/80

THIS CASE ORIGINATED AT JACKSONVILLE, FLORIDA

CHICAGO FILE NO. 69-19

REPORT MADE AT: CHICAGO, ILLINOIS	DATE WHEN MADE: May 21, 1930	PERIOD FOR WHICH MADE: May 20, 1930	REPORT MADE BY: E. J. CONNELLEY, S.A.C.
TITLE: ALPHONSE CAPONE KENNETH PHILLIPS, M. D.			CHARACTER OF CASE: CONTEMPT OF COURT PERJURY
<p>SYNOPSIS OF FACTS:</p> <p>United States Attorney Johnson, Chicago, advises that he expects to confer with the Court at Chicago on or about May 21st, 1930, in order to have this case set down for hearing as to the Contempt charge.</p> <p>REFERENCE: Report of Agent Felix O. Cox, Jacksonville, Florida, dated July 18th, 1929; letter of the Chicago office to the Director dated March 20th, 1930, and letter of Director dated May 1st, 1930.</p> <p>DETAILS: <u>AT CHICAGO, ILLINOIS.</u></p> <p>Agent conferred with United States Attorney George E. Q. Johnson, as to the possible further action in this case, on May 20th, 1930 and he advised that he expects to request the court to set this matter down as to CAPONE for hearing on the Contempt charge on or about May 21st, 1930.</p> <p style="text-align: center;">P E N D I N G</p> <p style="text-align: right;">DO NOT WRITE IN THESE SPACES</p>			
APPROVED AND FORWARDED: 		RECORDED AND INDEXED: MAY 24 1930	
COPIES OF THIS REPORT FURNISHED TO: Director - 3 Jacksonv. - 3 Chicago - 2 (U.S. Atty. Chicago-1)		BUREAU OF INVESTIGATION MAY 24 1930 A.M. DEPARTMENT OF JUSTICE	
ROUTED TO: DAS: TWC		CHECKED OFF: MAY 27 1930 JACKETED:	
EJC:JMS			

P. O. Box 32,
Jacksonville, Florida.
May 24, 1930.

Mr. E. J. Connelley,
United States Attorney,
Jacksonville, Florida.

Dear Sir:

Re: Alphonse Capone;
Kenneth Phillips, et al.
Contempt of Court;
Perjury.

For your information, please find enclosed
herewith a copy of the report of Special
Agent in Charge E. J. Connelley, rendered at
Chicago, Ill., under date of May 21, 1930.

Very truly yours,

J. F. MacFarland,
Special Agent in Charge.

Encl. +
cc Director

69-180

BUREAU OF INVESTIGATION	
MAY 20 1930 P. M.	
DEPARTMENT OF JUSTICE	FILE

120

THIS CASE ORIGINATED AT **JACKSONVILLE, FLA.**

Chicago File #69-19

REPORT MADE AT: Chicago, Ill.	DATE WHEN MADE: 6/18/30	PERIOD FOR WHICH MADE: 6/18/30	REPORT MADE BY: T. F. MULLEN
TITLE: ALPHONSE CAPONE KERNAN PHILLIPS, et al.			CHARACTER OF CASE: RECEIVED BY COURT PROPERTY
SYNOPSIS OF FACTS: <p>United States Attorney Johnson, Chicago, again conferred with and stated that this matter has been taken up by him with Federal Judge Wilkerson before whom contempt proceedings will be heard. Mr. Johnson advised that Judge Wilkerson is considering a date that will be set for the hearing which will be some time before the summer vacations of the Federal Courts of Chicago. Docket record of this subject matter set out in details of this report.</p>			
REFERENCE: Report of Special Agent in Charge E. J. Connelley, Chicago, Ill., May 21, 1930.			
DETAILS: AT CHICAGO, ILL. <p>On this date Agent conferred with United States Attorney George E. Q. Johnson as to whether or not date has been set for the hearing of this subject matter on contempt charge. Mr. Johnson advised that he has taken this matter up with Federal Judge James H. Wilkerson, before whom this contempt hearing will be heard, and that Judge Wilkerson has under consideration now a date to be set for said hearing. Mr. Johnson further advised that this hearing, however, will be some time before the summer vacations of the Federal Courts of Chicago set in.</p>			
APPROVED AND FORWARDED: <p><i>[Signature]</i></p>		DO NOT WRITE IN THESE SPACES <p>69-180-42</p>	
COPIES OF THIS REPORT FURNISHED TO: <p>3-Bureau 3-Jacksonville 3-Chicago (1 U.S. Atty., Chicago)</p>		BUREAU OF INVESTIGATION <p>JUN 20 1930 A M</p> <p>DEPARTMENT OF JUSTICE</p>	
ROUTED TO: <p>Div. Two</p>		FILE <p><i>[Signature]</i></p>	
RECORDED AND INDEXED: <p>JUN 24 1930</p>		CHECKED OFF: <p>JUN 24 1930</p>	

Below is copy of report of this court dated 1/16/30
The docket:

No. 19179

1/17/29

Filed information on petition. Order was made that a writ be issued for the arrest of defendant and bond fixed at \$5000 as per statute (Judge Carpenter).

1/27/29 - Filed bond of defendant.

1/16/29 - Filed attachment writ - return returned 1/27/29.

1/16/30 - Entered order for subpoena duces tecum issue as prayed for in said petition and ordered returnable 1/21/30 at 10 A. M. for the Broadway Trust & Savings Bank, Arizona, Ill.
Petition filed - (Judge Carpenter).

P E N D I N G

P. O. Box 22,
Jacksonville, Fla. 32204.
June 20, 1930.

Mr. W. F. Nathan,
United States Attorney,
Jacksonville, Florida.

Dear Sir:

Re: Alphonse Capone;
Eugene Phillips, et al.
Contempt of Court; Forgery.

As of interest to you I am transmitting herewith
a copy of the report rendered by Special Agent
T. F. Mullen at Chicago, Ill., under date
of June 18, 1930, in the above entitled matter.

Very truly yours,

J. P. MacFarland,
Special Agent in Charge.

Encl.
To Director.

69-180
JUN 20
Dis. To TW
128

EDQ:AMW
66-150-42

RECORDED

JUN 24 1930

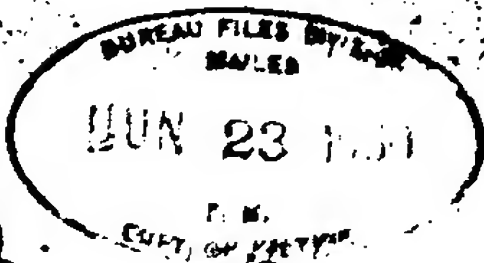
MEMORANDUM FOR ASSISTANT ATTORNEY GENERAL TUNNICLIFFE

With further reference to the
case entitled: ALPHONSE CAPONE; KENNETH
PHILLIPS, M. D. - Contempt of Court; Perjury,
there is attached hereto for your information,
a copy of the report of Special Agent E. F.
Mullen, dated June 18, 1930, at Chicago, Ill.

Very truly yours,

Director

Encl. #002001.



T.S. 2
Jm

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THIS CASE ORIGINATED AT **JACKSONVILLE, FLORIDA**

Chicago File #69-19

REPORT MADE AT: Chicago, Illinois	DATE WHEN MADE: 8/20/30	PERIOD FOR WHICH MADE: 8/15/30	REPORT MADE BY: T. F. MULLER
ALFRED DAPONE KENNETH PHILLIPS			
SYNOPSIS OF FACTS: Agent conferred with United States Attorney George E. Q. Johnson, Chicago, who advised that as yet no date has been set by Federal Judge Wilkerson for hearing on this case, stating further that he intends to set this set for trial the early part of October.			
REFERENCE: Report of this Agent dated 8/18/30 at Chicago, Illinois.			
DETAILS: AT CHICAGO, ILLINOIS On this date Agent conferred with United States Attorney George E. Q. Johnson, who advised that the date for hearing of this subject matter has not been set by Federal Judge James H. Wilkerson, as anticipated, namely, before the summer vacations of the Federal Courts of Chicago. Mr. Johnson advised, however, that it is his intention to take this matter up with Federal Judge Wilkerson the early part of October for the purpose of having a definite date set for the trial of same.			
P E N D I N G			
APPROVED AND FORWARDED: <i>M. N. Purvis</i> SPECIAL AGENT IN CHARGE	RECORDED AND INDEXED: AUG 22 1930		
COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 3-Jacksonville 3-Chicago (1 UAtt'y., Chicago)	BUREAU OF INVESTIGATION AUG 22 1930 A.M. DEPARTMENT OF JUSTICE ROUTED TO: Div. Two FILE		

130

Mr. E. H. Clegg,
P. O. Box 1403,
Chicago, Ill.

Dear Sir:-

RE: ALPHONSE CAPONE
KENNETH PHILLIPS, N.D.
Contempt of Court
Perjury.

Your attention is invited to report of Special Agent
T. F. Mullen rendered at Chicago, Ill., August 20th,
1930, from which it appears that the U. S. Attorney
intended to confer with Federal Judge Wilkerson for
the purpose of having a definite date set for the trial
of this matter.

It will be appreciated if you will advise this office
of the outcome of said conference and the date this case
will be brought to an issue.

Very truly yours,

Harold E. Anderson
Acting Special Agent in Charge.

HEA:AMC.
OC - Director.
Jax File #69-9

69-180
BUREAU OF INVESTIGATION
OCT 28 1930
DEPT. OF JUSTICE
Div. Two

131

RECEIVED

THIS CASE ORIGINATED AT JACKSONVILLE, FLORIDA

REPORT MADE AT: CHICAGO, ILLINOIS	DATE WHEN MADE: 11-6-30	PERIOD FOR WHICH MADE: 10-31-30	REPORT MADE BY: T. F. MULLEN
TITLE: ALFREDSE CAPONE KENNETH PHILLIPS, M.D.		CHARACTER OF CASE: CONTEMPT OF COURT PERJURY	
SYNOPSIS OF FACTS: U. S. Attorney, Chicago, advises successful progress being made for return of indictment against Subject Capone in another violation and is of the opinion that if Subject were arraigned on the charge of contempt of Court and Perjury it would seriously jeopardize other matter now under investigation by Internal Revenue Department. He desires that the contempt hearing of this Subject be held in abeyance.			
REFERENCE: Report of Special Agent T. F. Mullen of the Chicago Bureau Office dated 8-20-30 and letter of Acting Agent in Charge Harold E. Andersen of the Jacksonville, Florida, office dated 10-24-30.			
DETAILS: AT CHICAGO, ILLINOIS Agent again conferred with U. S. Attorney Geo. E. Q. Johnson, Chicago, with respect to having a date set for the hearing of contempt charges against Subject at Chicago. Mr. Johnson advised that successful progress is now being made for the return of indictment against Subject Capone in another violation in the Internal Revenue Department, and that he, Mr. Johnson, feels that to have this subject matter brought up for hearing at this time would seriously jeopardize the investigation now in progress and that he desires the investigation upon which an indictment is expected shortly to be disposed of first before the present subject matter is called for hearing. He feels that if the Government is successful in the prosecution of Subject Capone, in all probability he would receive a prison sentence instead of a jail sentence.			
UNDEVELOPED LEAD: The Chicago Bureau office will keep in touch with U. S. Attorney George E. Q. Johnson with respect to progress made concerning Subject.			
APPROVED AND FORWARDED: <i>[Signature]</i> SPECIAL AGENT IN CHARGE		69-180-44 NOV 8 1930 A.M. BUREAU OF INVESTIGATION DEPARTMENT OF JUSTICE	
COPIES OF THIS REPORT FURNISHED TO: 3-Bureau 3-Jacksonville 2-Chicago 1-U.S. Atty, Chicago		ROUTED TO: Div. Two FILED m 132	

JOHN EDGAR HOOVER
DIRECTOR

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

RECORDED

November 6, 1930

NOV 8 1930

69-180-45	
Br	SECTION
NOV 8 10 A M.	
ONE	FILE

MEMORANDUM FOR THE DIRECTOR.

I am attaching hereto a memorandum based upon Bureau file #69-180, in the case of ALPHONSE CAPONE and KENNETH PHILLIPS, M.D. - CONTEMPT OF COURT: PERJURY.

For your convenience, and to set forth the facts in a briefer form than I have done in the attached memorandum, the following is submitted:

On March 5, 1929, Dr. Phillips executed an affidavit to the effect that Al Capone was under his professional care and had been ill in bed for six weeks between January 13th and March 5, 1929, and his physical condition was such that it would be dangerous for him to go to Chicago. It being believed that this affidavit was false, investigation was made and affidavits secured from twelve persons, five of them being police officers on duty at the Hialeah, Fla. Race Track, to the effect that on many occasions during the period when Capone was allegedly ill in bed he was in attendance at the races at the Miami Jockey Club at Hialeah, Fla. An affidavit was secured from the Master of a Steamship plying between Miami and Nassau, to the effect that between February 8th and February 13th, 1929, Capone was a passenger, leaving Miami on February 8th and returning February 13th, and at that time seemed to be in good health. An affidavit was secured from the pilot of a seaplane of the Curtis Flying Service, to the effect that in February Capone was a passenger on board the plane from Miami to Bimini and seemed to be in good health. Affidavits were secured from the County Attorney of Dade County, Fla. and the County Attorney's stenographer, to the effect that Capone was questioned for two hours in the office of the County Attorney on February 14th, and Capone appeared to be in good health and did not complain of being ill.

These affidavits were transmitted to United States Attorney Johnson at Chicago, Ill. on March 25th, March 26th, March 27th, and April 1st, 1929. A contempt proceeding was filed on March 27th, and on that date Capone was arrested and gave bond in the sum of \$5000 for appearance when called to answer the charge.

On July 23, 1929 this case was again called to the attention of the U. S. Attorney at Chicago by the Special Agent in Charge there. However, at that time Capone was incarcerated in Pennsylvania, where he was serving a sentence under a State charge of carrying a concealed weapon. On January 24, 1930 Special Agent in Charge Connelley, at Chicago, conferred with U. S. Attorney Johnson concerning the status of the case, and was advised that the matter was still pending the release of Capone from Jail in Pennsylvania. On March 20th Agent in Charge Connelley advised that he had conferred again with U. S. Attorney Johnson, who stated that the case is still awaiting disposition in Chicago and would have attention in the near future, Capone having been released from Jail in Pennsylvania on March 17th. On May 21, 1930 Agent in Charge Connelley reported that he had conferred with U. S. Attorney Johnson on May 20th and was advised that the U. S. Attorney expected to request the court to set the matter for hearing on or about May 21st. On June 18, 1930 Agent Mullen of the Chicago office reported that on June 13th he conferred with U. S. Attorney Johnson, who advised that Judge Wilkerson had under consideration the setting of the date for hearing, which would be held before the summer vacations. On August 20th, Agent Mullen reported that on August 15th he had conferred with U. S. Attorney Johnson, who advised that a date for hearing had not been set by Judge Wilkerson, but it was his intention to take the matter up again with Judge Wilkerson early in October for the purpose of having a definite date set.

Respectfully,



T. F. Baughman.

Incl.

ADDENDUM: Information has just been telephonically received from Special Agent Mullen at Chicago, to the effect that he has talked with U. S. Attorney Johnson concerning this case, and was advised by the U. S. Attorney that there has been under investigation another important case against Capone which has developed successfully to the point that an indictment is about to be returned against Capone, and that he (the U. S. Attorney) is of the opinion that to proceed

at the present time with the contempt proceeding would jeopardize the success of the more important case; i.e., that in which the indictment is expected, and for that reason further action in the contempt proceeding will be held in abeyance.

The title of the original case in which Capone was subpoenaed for the Grand Jury as a witness does not appear in the Bureau's file. However, telephonic advice from Chicago is to the effect that the title of this case is U. S. v. D'Amico, et al, Chicago Heights, Illinois, Conspiracy to Violate Prohibition Act.

U. S. Department of Justice
Bureau of Investigation
Washington, D. C.

November 6, 1930

MEMORANDUM

RE: ALPHONSE CAPONE
KENNETH PHILLIPS, M.D.
CONTEMPT OF COURT

On March 5, 1929, Dr. Kenneth Phillips appeared before U. S. Commissioner Spidler, in the Southern District of Florida, at Miami, and executed an affidavit to the effect that Alphonse Capone (generally known as "Scar Face" Al Capone) was then under the professional care of Dr. Phillips and had been under his care continuously since January 13, 1929; that since January 13, 1929 the said Al Capone had been suffering with ~~chronic~~ pneumonia pleurisy with effusion of fluid into the chest cavity, and that Capone had been confined to his bed for six weeks and had been out of his bed for ten days only prior to the execution of the affidavit; further, that said Capone's physical condition was such at the time the affidavit was executed that it would be dangerous for him to leave the mild climate of Southern Florida and go to the City of Chicago, Ill. as such a trip would imperil the safety of the said Capone and there would be grave risk of a collapse which might result in Capone's death from a recurrent pneumonia.

A copy of the affidavit executed by Dr. Phillips was referred to the Bureau with the request that investigation be made, inasmuch as the U. S. Attorney at Chicago believed the affidavit to be false. Capone was at that time under subpoena to Chicago, and the U. S. Attorney at Chicago intended to proceed against Capone and Dr. Phillips for contempt of court in the event the affidavit was shown to be false. Investigation was immediately instituted at Miami, Fla. on March 21, 1929. Affidavits were secured from M. G. Wood, police officer, of Hialeah, Fla., to the effect that he personally observed Al Capone attending the horse races at Hialeah, Fla. nearly every Thursday, Friday, and Saturday during the period from January 17th to March 13th, 1929; from C. E. Bebler, a police officer, of Hialeah, Fla., to the effect that he personally observed Al Capone in attendance at the races at Hialeah approximately eighteen or twenty times during the month of February, 1929; from W. R. Foster, a police

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officer of Hialeah, Fla., to the effect that he saw Al Capone at least every other day at the Hialeah Race Track between January 17th and February 1, 1929, and between February 15, and March 5, 1929; from J. M. Coroneas, a police officer of Hialeah, Fla., to the effect that he observed Al Capone at the races at Hialeah, Fla. on at least twenty-four different days of the meet between January 18th and March 13, 1929; that between the dates of February 1st and February 25th, 1929, the affiant states he saw Al Capone at the race track on at least thirteen different days. The original affidavits executed by the four above named police officers were forwarded to U. S. Attorney Johnson at Chicago, Ill. under date of March 25, 1929.

Under date of March 26, 1929, a letter was forwarded to the U. S. Attorney at Chicago, advising of the receipt of information to the effect that the manifest of the Steamship NORTHLAND outbound from Miami to Nassau reveals that on February 8, 1929 Alphonse Capone and five others with him went to Nassau. The inbound manifest of the same vessel shows that the same parties left Nassau on February 12th, arriving at Miami February 13, 1929. An affidavit dated March 25, 1929 was secured from John William Cooper, Jr., District Traveling Passenger Agent for the Munson Steamship Lines at Miami, the affiant stating that on February 8, 1929 he personally, in connection with his duties for the Steamship Line, checked as being on board the Steamship New Northland Alphonse Capone, and that the Alphonse Capone mentioned is identical with the Alphonse Capone whose pictures he has seen in a number of newspapers referred to by the press as being a Chicago gangster.

Affidavits were secured from Robert R. Taylor, County Solicitor for Dade County, Fla., and from Ruth Gaskin, a stenographer working in the office of the County Solicitor of Dade County, Fla., these affidavits setting forth that on February 14, 1929 Alphonse Capone was questioned in the office of the County Solicitor for Dade County, Fla., for approximately two hours, the questioning being conducted by Mr. Robert R. Taylor and Mr. Louis Goldstein, Assistant District Attorney for Kings County, New York, and that at this time Alphonse Capone appeared to be in good health and did not complain of being ill.

An affidavit was obtained from Joseph Jenkins, police officer, Miami, Fla., to the effect that while he did not personally observe Al Capone at the Hialeah Race Track at the start of the 1929 racing season he did observe Capone at the races quite frequently during the racing season, which season extended from January 17th to March 13, 1929.

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An affidavit from Sidney Joseph Newcomb, an employee of the Miami Jockey Club at Hialeah, Fla., sets forth that he was employed as an usher or attendant to the persons who rented boxes at the Miami Jockey Club, and that a few days after the opening of the 1929 racing season at Hialeah, Fla., Al Capone was pointed out to him, and that during the period from January 17th to March 13th he personally observed the said Al Capone at the Hialeah Race Track on thirty different days; further, that he did not observe the said Capone from about March 1 to March 13.

An affidavit was secured from Dr. Samuel D. Light, a practicing physician at Miami, Fla., the affidavit setting forth that he was in attendance upon Al Capone from about January 5th to January 14th, Capone on January 5 having influenza, which later developed into double pneumonia. Dr. Light stated that he called upon Capone at least once every day between January 5th and January 14th, and that when he last saw Capone on January 14th, Capone was still in bed with congested lungs, and having a temperature. Dr. Light's services were discontinued due to the fact that Capone advised Dr. Light that he had as a house-guest a Dr. Omens, referred to as Capone's family physician in Chicago. In an interview with Dr. Light by an Agent of the Bureau of Investigation, Dr. Light stated that on January 17th, when he last saw Capone professionally that Capone though still confined to bed and with some temperature was very much improved.

An affidavit was secured from William P. Tremblay, Master of the Steamship NEW NORTHLAND, the affidavit setting forth that Alphonse Capone, whom he identified positively by a scar appearing on the side of Capone's face, was a passenger aboard his vessel on February 8, 1929 from Miami to Nassau, Bahamas, and that Capone was also a passenger from Nassau to Miami on February 12th; also, that during these voyages Capone appeared to be in perfect health.

These additional affidavits were transmitted to the U. S. Attorney at Chicago under date of March 27, 1929.

An affidavit was secured from Edward Nirmaier, a pilot for Curtis Flying Service, of Miami, Fla., the affidavit setting forth that on February 2, 1929 he piloted a seaplane from Miami, Fla. to Bimini, Bahamas, carrying Al Capone and a number of other passengers, and that he identified the said Al Capone by a scar on the side of his face; further, that Capone appeared to be in good

health at the time of this trip. This affidavit was transmitted to the U. S. Attorney at Chicago under date of April 1, 1929.

Under date of March 27, 1929, the U. S. Attorney at Chicago directed a letter to the Bureau, advising that a "criminal contempt" was filed on the morning of March 27th, citation was issued, and the respondent, Capone, was placed under arrest, and gave bond in the sum of \$5000 for appearance.

Under date of April 15th, 1929, the Special Agent in Charge at Chicago, by letter advised that he had conferred with the U. S. Attorney at Chicago, advising the U. S. Attorney that if additional investigation was desired a competent Agent would be assigned promptly. However, the U. S. Attorney had made no request for further investigation.

Under date of June 27, 1929, the Jacksonville, Fla. office of the Bureau was instructed to present the information obtained in this case to the U. S. Attorney in Florida for possible prosecution there, this action being taken upon the authorization of Assistant Attorney General Willebrandt. Under date of July 18th a letter was directed to the Chicago office of the Bureau, advising that the case was being submitted to the U. S. Attorney for the Southern District of Florida. In a letter dated July 23, 1929 the Special Agent in Charge at Chicago advised the U. S. Attorney at Chicago that the matter was being presented to the U. S. Attorney for the Southern District of Florida. Under date of July 24th, U. S. Attorney Johnson at Chicago advised the Agent in Charge at Chicago that he was writing the Attorney General asking that the U. S. Attorney at Miami be requested not to proceed in the matter until the termination of the proceedings in Chicago, Capone at that time being in Jail in Pennsylvania.

Under date of January 24, 1930, the Special Agent in Charge at Chicago conferred with U. S. Attorney Johnson relative to the status of the case against Capone, and was advised by the U. S. Attorney that he would proceed with the case upon the release of Capone from Jail in Pennsylvania, which was expected about May, 1930. Under date of May 20, 1930, the Special Agent in Charge at Chicago advised that Capone was released from Jail in Pennsylvania on March 17th, after serving ten months upon a charge of carrying a concealed weapon, and that the United States Attorney at Chicago stated that the case against Capone at Chicago would have attention in the near future. Under date of May 21, 1930, Special Agent in Charge Connelley at Chicago reported that on May 20th he had conferred with U. S. Attorney Johnson, who advised that he expected to request the court to set this case for

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hearing on the contempt charge on or about May 21st. On June 18, 1930, Special Agent Mullen at Chicago reported that on June 13th he conferred with U. S. Attorney Johnson concerning this case, and that Mr. Johnson advised that he had consulted Federal Judge Wilkerson, before whom the contempt hearing would be heard, and that Judge Wilkerson had under consideration the setting of the date for the hearing, which would be held some time before the summer vacations of the Federal Courts in Chicago.

On August 20, 1930, Special Agent Mullen reported that on August 15th he conferred with U. S. Attorney Johnson, who advised that the date for hearing had not been set, but that it was his intention to take the matter up with Federal Judge Wilkerson in the early part of October.

No subsequent information concerning the case has been received.

ADDENDUM: Information has just been telephonically received from Special Agent Mullen at Chicago, to the effect that he has talked with U. S. Attorney Johnson concerning this case, and was advised by the U. S. Attorney that there has been under investigation another important case against Capone which has developed successfully to the point that an indictment is about to be returned against Capone, and that he (the U. S. Attorney) is of the opinion that to proceed at the present time with the contempt proceeding would jeopardize the success of the more important case; i. e., that in which the indictment is expected, and for that reason further action in the contempt proceeding will be held in abeyance.

The title of the original case in which Capone was subpoenaed for the Grand Jury as a witness does not appear in the Bureau's file. However, telephonic advice from Chicago is to the effect that the title of this case is U. S. v. D'Amico, et al, Chicago Heights, Illinois, Conspiracy to Violate Prohibition Act.

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WFB:KP
69-180

November 8, 1939

MEMORANDUM FOR THE DIRECTOR.

I am attaching hereto a memorandum based upon Bureau file #69-180, in the case of ALFRED J. CAPONE and KENNETH PHILLIPS, M.D. - CONTEMPT OF COURT: PERJURY.

For your convenience, and to set forth the facts in a briefer form than I have done in the attached memorandum, the following is submitted:

On March 5, 1939, Mr. Phillips executed an affidavit to the effect that Al Capone was under his professional care and had been ill in bed for six weeks between January 13th and March 5, 1939, and his physical condition was such that it would be dangerous for him to go to Chicago. It being believed that this affidavit was false, investigation was made and affidavits secured from twelve persons, five of them being police officers on duty at the Hialeah, Fla. Race Track, to the effect that on many occasions during the period when Capone was allegedly ill in bed he was in attendance at the races at the Miami Jockey Club at Hialeah, Fla. An affidavit was secured from the master of a Steamship plying between Miami and Nassau, to the effect that between February 8th and February 15th, 1939, Capone was a passenger, leaving Miami on February 8th and returning February 15th, and at that time seemed to be in good health. An affidavit was secured from the pilot of a seaplane of the Curtis Flying Service, to the effect that in February Capone was a passenger on board the plane from Miami to Miami and seemed to be in good health. Affidavits were secured from the County Attorney of Dade County, Fla. and the County Attorney's stenographer, to the effect that Capone was questioned for two hours in the office of the County Attorney on February 15th, and Capone appeared to be in good health and did not complain of being ill.

These affidavits were transmitted to United States Attorney Johnson at Chicago, Ill. on March 25th, March 26th, March 27th, and April 1st, 1939. A contempt proceeding was filed on March 27th, and on that date Capone was arrested and gave bond in the sum of \$5000 for appearance when called to answer the charge.

69-180

On July 25, 1930 this case was again called to the attention of the U. S. Attorney at Chicago by the Special Agent in Charge there. However, at that time Capone was incarcerated in Pennsylvania, where he was serving a sentence under a State charge of carrying a concealed weapon. On January 24, 1930 Special Agent in Charge Connelley, at Chicago, conferred with U. S. Attorney Johnson concerning the status of the case, and was advised that the matter was still pending the release of Capone from Jail in Pennsylvania. On March 20th Agent in Charge Connelley advised that he had conferred again with U. S. Attorney Johnson, who stated that the case is still awaiting disposition in Chicago and would have attention in the near future, Capone having been released from Jail in Pennsylvania on March 17th. On May 21, 1930 Agent in Charge Connelley reported that he had conferred with U. S. Attorney Johnson on May 20th and was advised that the U. S. Attorney expected to request the court to set the matter for hearing on or about May 21st. On June 18, 1930 Agent Mullen of the Chicago office reported that on June 15th he conferred with U. S. Attorney Johnson, who advised that Judge Wilkerson had under consideration the setting of the date for hearing, which would be held before the summer vacations. On August 20th, Agent Mullen reported that on August 15th he had conferred with U. S. Attorney Johnson, who advised that a date for hearing had not been set by Judge Wilkerson, but it was his intention to take the matter up again with Judge Wilkerson early in October for the purpose of having a definite date set.

Respectfully,

T. F. Naughton.

Incl.

ADDENDUM: Information has just been telephonically received from Special Agent Mullen at Chicago, to the effect that he has talked with U. S. Attorney Johnson concerning this case, and was advised by the U. S. Attorney that there has been under investigation another important case against Capone which has developed successfully to the point that an indictment is about to be returned against Capone, and that he (the U. S. Attorney) is of the opinion that to proceed

at the present time with the contempt proceeding would jeopardize the success of the more important case; i.e., that in which the indictment is expected, and for that reason further action in the contempt proceeding will be held in abeyance.

The title of the original case in which Capone was subpoenaed for the Grand Jury as a witness does not appear in the Bureau's file. However, telephonic advice from Chicago is to the effect that the title of this case is U. S. v. Alvin Karpis, et al, Chicago, Illinois, conspiracy to violate Prohibition Act.

69-180-45

November 9, 1930.

RECORDED

MEMORANDUM FOR THE ATTORNEY GENERAL.

NOV 8 1930

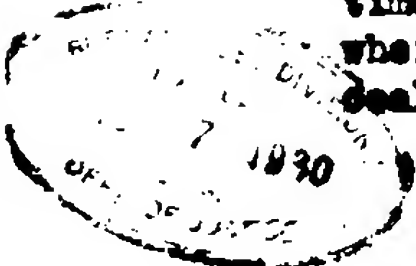
With reference to the case of Alphonse Capone, the following are the facts as related to the investigation made by this Bureau.

In the early part of 1929 Capone was subpoenaed to appear before the Grand Jury in Chicago as a witness in the case of United States vs. D'Amico, et al, conspiracy to violate the Prohibition Act. On March 5, 1929, Doctor Phillips, a resident physician at Miami, and formerly of Chicago, executed an affidavit at Miami to the effect that Alphonse Capone was under his professional care and had been ill in bed for six weeks between January 15, and March 5, and his physical condition was such that it would be dangerous for him to go to Chicago. It being believed that this affidavit was false, investigation was made and affidavits secured from twelve persons, five of them being police officers on duty at the Hialeah, Florida, Race Track, to the effect that on many occasions during the period when Capone was allegedly ill in bed he was in attendance at races at the Miami Jockey Club at Hialeah, Florida. An affidavit was also secured from the Master of a Steamship plying between Miami and Nassau to the effect that between February 8, and February 15, Capone was a passenger leaving Miami on February 8, and returning on February 15, and at that time he seemed to be in good health. Another affidavit was secured from a Pilot of a Seaplane of the Curtiss Flying Service, to the effect that in February Capone was a passenger on board the plane from Miami to Bimini and seemed to be in good health. An affidavit was secured from the County Attorney of Dade County, Florida, and the County Attorney's stenographer, to the effect that Capone was questioned for two hours in the office of the County Attorney on February 14, and that Capone appeared to be in good health and did not complain of being ill.

These affidavits were transmitted to United States Attorney Johnson at Chicago, Illinois, on March 25, 1929. A contempt proceeding was filed on March 27, and on that day Capone was arrested and gave bond in the sum of \$5,000 for appearance when called to answer the charge.

On July 23, 1929, my Chicago office called the case to the attention of United States Attorney Johnson at Chicago. However, at that time Capone was incarcerated in the Eastern Penitentiary in Pennsylvania where he was serving a sentence under a State charge for carrying a concealed weapon.

On January 24, 1930, my Chicago office conferred with United



States Attorney Johnson concerning the status of the case and was advised that the matter was still pending the release of Capone from jail in Pennsylvania.

On March 17, 1930, Capone was released from jail in Pennsylvania and on March 20, my Chicago office again conferred with United States Attorney Johnson to ascertain what disposition he intended to make of the case and was informed that it would receive his attention in the near future.

On May 20, 1930, my Chicago office again conferred with United States Attorney Johnson and was advised by him that he expected to request the Court to set the matter for hearing on or about May 21.

On June 13, 1930, my Chicago office again conferred with United States Attorney Johnson and was advised that Judge Wilkerson had under consideration the setting of the date for hearing which would be held before the summer recess.

On August 15, 1930, my Chicago office again conferred with United States Attorney Johnson who stated that the date for hearing had not been set by Judge Wilkerson but that it was his intention to take the matter up again with Judge Wilkerson for the purpose of having a definite date set.

On November 5, 1930, my Chicago office again conferred with United States Attorney Johnson who stated that there has been under investigation another important case against Capone which has developed successfully to the point that United States Attorney Johnson believes an indictment is about to be returned against Capone and that he, the United States Attorney, is of the opinion that to proceed at the present time with the Contempt proceedings would jeopardize the more important case and for that reason further action in the Contempt proceedings would be held in abeyance.

I have no knowledge of the other case to which United States Attorney Johnson refers, but it would appear to me that the moral effect of trying Capone upon the Contempt proceedings and obtaining a conviction against him in the matter, even though the sentence imposed would be a comparatively short one, would be most desirable.

You will note that this matter has been pending since March of 1929. Capone is popularly viewed as the over-lord of the underworld and there is no doubt but that he wields a tremendous control in the underworld. I believe that many of his followers, who are controlled by fear and not by sincere loyalty to him, and certainly the innumerable enemies that he has made, would be more inclined to furnish information to the Government authorities concerning Capone's activities if he were

Attorney General

B.

11-9-30

once placed in the penitentiary even though it be for Contempt of Court.

I am submitting the above facts to you as I thought you would want to know of the present status of this matter.

Respectfully,

Director.

Personal and
Confidential.

69-180-46

December 18, 1939.

Special Agent in Charge,
Bureau of Investigation,
Box 1406,
Chicago, Ill.

RECORDED
DEC 22 1939

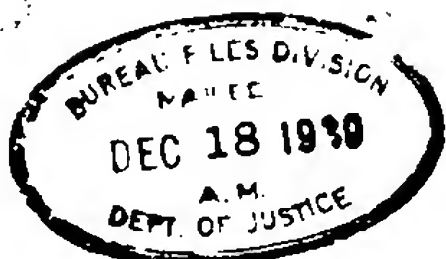
Dear Sir:

I beg to acknowledge receipt of your communication of December 15th., relative to the matter of Alphonse Capone, et al., and have noted the contents thereof with interest.

In view of the fact that this matter is apparently being handled in its entirety by United States Attorney Johnson, who has not as yet requested Bureau action in the matter to which you refer, I believe it would be appropriate to take no action at this time or at least until a request has been received from Mr. Johnson or Mr. Froelich relative

Very truly yours,

Director.

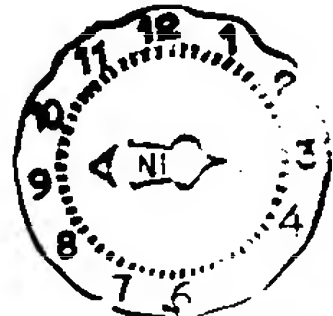


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U. S. Department of Justice
Bureau of Investigation

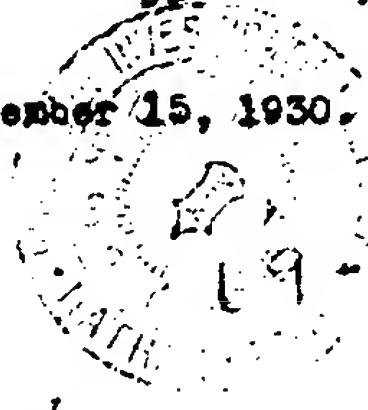
P. O. Box No. 1405,
CHICAGO, ILL.



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DEC 19 1930

December 15, 1930.



69-180

~~PERSONAL & CONFIDENTIAL.~~

Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

RE: ALPHONSE CAPONE;
KENNETH PHILLIPS, M.D.,
CONTEMPT OF COURT - PERJURY.
CHICAGO FILE 69-19.

Dear Sir:-

You are advised that on this date United States District Judge James. H. Wilkerson set January 19, 1931 as the trial date of the above entitled matter.

United States Attorney Johnson has not conferred with this office relative to this matter, although I was advised somewhat informally a few days ago by Mr. Froelich, Special Assistant to the Attorney General, that Mr. Johnson was currently giving the matter his close attention and that he proposed to bring this matter to trial at an early date.

On the occasion of my conversation with Mr. Froelich he also informed me that United States Attorney Johnson proposed to proceed shortly to certain Florida points for the purpose of personally interviewing certain necessary witnesses in this matter. At that time Mr. Froelich informed me that more definite information regarding the proposed trip to Florida would be supplied at a later date and that a request would then be made of this office to transmit a confidential communication to the Agent in Charge at Jacksonville to the end that a competent agent might be assigned to cooperate with United States Attorney Johnson. To date no further information or request concerning the latter phase of the matter has come to my attention.

DEC 22 1930

69-180-46	
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Jm

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On Saturday, the 13th instant, the Chicago Daily Tribune carried a story to the effect that the presence of Subject Capone had been urgently requested at 10 o'clock Monday morning, December 15, 1930 before Federal Judge Wilkerson. In this connection you are advised that on this date attorneys representing Subject Capone appeared in the court of Judge Wilkerson responsive to the request of United States Attorney Johnson and indicated that the date, January 19, 1931, set by Federal Judge Wilkerson for the trial of the instant matter was agreeable to them. No specific statement was made by counsel as to whether Subject Capone would be present in court on that date.

I am attaching hereto for your information a clipping from the Chicago Daily Tribune of the 13th instant, also a clipping from the Daily Tribune issue of today. The source of the information upon which the news item of the 13th instant was based is not known to the writer. There is nothing to indicate specifically whether the release was through the office of the United States Attorney or by counsel for the defendant Capone.

There is also attached for your information a clipping from the Chicago Evening American issue of November 6, 1930, which has just recently been called to my attention. This clipping contains interesting information that Dr. Kenneth Phillips is alleged to have filed suit against Subject Capone to enforce collection of \$2500.00 said to be due the doctor for services. Dr. Kenneth Phillips, you are aware of course, is involved as a subject with Capone in the instant case.

I recall this matter was the subject of a conversation with you on the occasion of your visit to this office. The substance of that conversation has been treated in strict confidence by the writer and will, of course, continue to be so treated.

I would be pleased to receive from you any suggestion with regard to this case which you may feel to be appropriate at this time.

Very truly yours,

J. E. P. DUNN,
Special Agent in Charge.

JEPPD-mk
Enc.

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10249

Chicago Evening American
November 6, 1930

THURSDAY, NOVEMBER 6, 1930

AL CAPONE BACK IN FLORIDA

Al Capone, king of Chicago's gangland, has gone to Florida to escape Winter's chill winds and the law's attempt to serve him with a vagrancy warrant, it was reported today in dispatches from Miami.

His attorney by the city, J. F. Gordon, announced in court that he could produce Capone on a half hour's notice. During the hearing on a suit of Dr. Kenneth Phillips of Miami, to collect \$2,500 from the gang chieftain for services, Attorney Gordon said:

"Al Capone is within thirty minutes of Miami."

The suit was continued until late today to permit collection of technical points in the plaintiff's bill.

Capone, whose name heads the list of "public enemies" for whom vagrancy warrants have been issued here, became defendant in a second suit in Miami today when Perry L. Long, hotel clerk, filed preliminary papers in an action for \$5,000. Neither Long nor his attorney would make public details of the suit.

69-180-46

150

had begun to spread that Capone had been publicly executed. The rumor in some fashion, gained momentum from the constant chatter of New and Chicago officials upon the subject.

His Record of Peace Made

While other gangsters, Al's subordinates have been served with vagrancy warrants, indicted for violation of the income tax laws, and with deportation proceedings, no effort has been made to embarrass Capone, according to remarks among the hoodlums.

The United States attorney, however, intimated that this period of peace for the gang leader is to be interrupted. If Capone does appear in response to federal summons, he will be served with a vagrancy warrant from the state's attorney's office. It was predicted.

The action upon which Capone was summoned to federal court involves him in a contempt of court action which is two years old. There were also indications that the government has made progress in investigating Capone's income tax returns.

His Lawyer in a Quandary

Inasmuch as Capone's address is at present unknown, the summons was presented to his attorney, Benjamin F. Epstein, who promptly demanded:

"How in hell can I get him in court? I don't know where he is."

Epstein, in a letter to the United States attorney, stated that he had been unable to locate Capone. He said that he had been unable to locate Capone for the past several months.

Epstein is quoted as saying that he had been unable to locate Capone for the past several months. He said that he had been unable to locate Capone for the past several months.

Base of the Charge

The contempt of court charge arose from an affidavit sent by Capone from Florida asking for a continuance and obtaining it on the ground that he was too ill to appear in Chicago. Government agents obtained information that Capone was well enough to attend the dog races at Miami daily.

If Capone doesn't appear, the district attorney will ask the forfeiture of his bond and the issuance of a bench warrant for his arrest. Federal agents, it was said, may be able to find Capone and serve the warrant where the local police, with a vagrancy warrant, have failed.

In addition to taking action against Al yesterday, the federal prosecutors obtained a indictment of his brother Ralph and seventeen others on charges of conspiracy to violate the prohibition law in connection with the operation of the Cotton and Montmartre clubs in Chicago. Ralph is now out on bond while his attorneys are appealing a three year jail sentence for violation of the income tax law.

The indictments were returned before Federal Judge James H. Wilkerson. They charge Ralph Capone with the active management and with a principal financial interest in both clubs. The men indicted with Capone were managers, waiters and attendants. More than 400 sales of intoxicating liquor are detailed.

Thomas J. Bowler, president of the cantary district, was subpoenaed yesterday by Judge John H. Lyle to appear in his court Dec. 10 and testify in the trial of two men for grand larceny and receiving stolen property. Jack Foley, 4835 Waltham avenue, who was robbed of \$5,000 worth of jewelry at a party last June 14, said that Mr. Bowler befriended Michael King, 35 years old, one of the defendants.

Foley said he accompanied police to the 41st ward political headquarters at 4819 Milwaukee avenue last election day. The officers were about to arrest King for stealing the jewelry when Mr. Bowler, Foley testified, intervened.

"That's not King, boys. It's just a worker of mine."

The policemen then would not arrest King, Foley testified.

Reached at his office, Mr. Bowler said: "Those police came up to my headquarters, and I knew King as a worker in my ward and asked him about this affair. He denied it. I'll be in court right on the dot and tell all about this affair. No one is going to make any such charges against me."

A decision is expected this morning

by Judge Philip Finegan in the Criminal court on the attempt of Danny Stanton, Capone gangster, to avoid extradition to Wisconsin for the murder of Jack Zuta. Stanton's attorneys yesterday attacked the ballistic evidence, upon which the state bases its charge that the bullets which killed Zuta came from Stanton's gun.

40250

U. S. SUMMONS AL CAPONE TO COURT MONDAY

Gang Leader Must Face Contempt Charge.

"The presence of Al Capone is urgently requested at 10 o'clock Monday morning, Dec. 15, before Federal Judge James H. Wilkerson in the federal building at Chicago."

This firm invitation was issued yesterday by United States District Attorney George E. Q. Johnson. It was a surprise to gangdom because the word had begun to spread that Capone, known as public enemy No. 1, had, in some fashion, gained immunity from the concerted attacks of law enforcement officials upon hoodlums in Chicago.

His Period of Peace Ends.

While other gangsters, Al's subordinates have been served with vagrancy warrants, indicted for violation of the income tax laws, and with deportation proceedings, no effort has been made to embarrass Capone, according to remarks among the hoodlums.

The United States attorney, however, intimated that this period of peace for the gang leader is to be interrupted. If Capone does appear in response to federal summons, he will be served with a vagrancy warrant from the state's attorney's office, it was predicted.

The action upon which Capone was summoned to federal court involves him in a contempt of court action which is two years old. There were also indications that the government has made progress in investigating Capone's income tax returns.

His Lawyer in a Quandary.

Inasmuch as Capone's address is at present unknown, the summons was presented to his attorney, Benjamin P. Epstein, who promptly demanded:

"How in hell can I get him in court? By Wednesday I don't know where he is."

"Maybe," he added hopefully, "I can find him by Saturday."

But the government is not giving up. It is determined to get Capone in court by Monday.

Capone's refusal to appear in court is a direct challenge to the government's authority. It is a challenge that the government is determined to meet.

The contempt of court charge arose from an affidavit sent by Capone from Florida asking for a continuance and obtaining it on the ground that he was too ill to appear in Chicago.

The government is now determined to get Capone in court by Monday. It is a challenge that the government is determined to meet.

Capone's health...
...upon the Miami physician's name was attached to it.
"We believe that the affidavit was correct," Anderson said.
Capone's lawyer, William Waugh, said "Scarface" would give bond in court he was placed under arrest.

Clemons Speak to Moran.

The Master Cleaners and Dyers Association yesterday issued a statement in regard to the remarks of George (Gus) Moran, acquitted of vagrancy in Winthrop, that he had "some important plans for improvement of the cleaning and dyeing industry."

Moran is an official of the Central Cleaners and Dyers company.
"Assuming that George Clarence Moran has been correctly reported by the press," says the statement, "the Master Cleaners and Dyers Association wishes to point out that it has recently put into operation a new plan of its own for the improvement of the industry in this vicinity to the benefit of the public and industry alike. This new plan was announced by the newspapers of Chicago this week and is available to all members of the industry who can qualify for its requirements."

Benjamin H. Korman, general manager of the company of which Moran is an official, appeared at the federal building in answer to a subpoena with the books of the company. The records will be examined by federal agents with a view to investigating Moran's income tax returns.

Bowler Is Subpoenaed.

Thomas J. Bowler, president of the sanitary district, was subpoenaed yesterday by Judge John H. Lyle to appear in his court Dec. 19 and testify in the trial of two men for grand larceny and receiving stolen property. Jack Foley, 6333 Winthrop avenue, who was robbed of \$5,000 worth of jewelry at a party last June 14, said that Mr. Bowler befriended Michael King, 36 years old, one of the defendants.

Foley said he accompanied police to the 41st ward political headquarters at 4015 Milwaukee avenue last election day. The officers were about to arrest King for stealing the jewelry when Mr. Bowler, Foley testified, declared:

"That's not King, boys. It's just a worker of mine."

The policemen then would not arrest King, Foley testified.

Reached at his office, Mr. Bowler said: "Those police came up to my headquarters, and I know King as a worker in my ward and asked him about this affair. He denied it. If he is court right on the dot and tell all about this affair. No one is going to make any such charges against me."

A decision is expected this morning.

By Judge Philip W. Wilson of the federal court on the attempt of George (Gus) Moran, Capone gangster, to avoid extradition to Wisconsin for the murder of Jack Kira. Stanton's attorney yesterday attacked the ballistics evidence, which the state knew he carried, and the bullet which killed Kira from Moran's gun.

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WHITE ON TRIAL TODAY;ALCAPONE IS DUE IN COURT

Genaro, Stanton, Heitler on Appearance List.

An array of public enemies, is expected today. William [Three Fingers Jack] White, Joe Genaro, "Mike De Pike" Heitler, and Danny Stanton have engagements before various judges in state and federal courts and Chief Public Enemy Al Capone will keep three court appointments if he responds to an order to appear before Federal Judge James Wilkerson on an old contempt citation. The scheduled public enemy activity is as follows:

White, who has been in the county jail for two months on a reinstated murder charge, is to be placed on trial this morning on a charge of gun toting. This is due to his arrest last spring in a restaurant with two other public enemies, Bernard O'Donnell and George [Red] Barker, when several revolvers were found on or near their persons. O'Donnell was acquitted, but was immediately indicted for perjury during the trial, and he has fled, forfeiting a \$10,000 bond. Barker was returned to the penitentiary, but is seeking his release now through a petition to the Supreme court.

Genaro to Face Lyle.

Genaro, who had been hiding in Hammond, was lured by a telephone call across the state line, where Sergis Lawrence Brown and Red Almer of the state's attorney's office were awaiting him. They served him with one of the vagrancy warrants issued by Municipal Judge John H. Lyle against the public enemies, so designated by the Chicago crime commission. He will face Judge Lyle this morning.

Heitler, an old time vice monger, was in the detective bureau showup yesterday with Genaro and Sam Battaglia, recently acquitted of the charge of robbing the wife of Mayor Thompson. Heitler was seized in the loop Saturday. He is on bail on a vagrancy charge. The state's attorney's office did not reveal the charge on which he was arrested.

Stanton Decides Today.

Stanton appears before Criminal Court Judge Philip Finnegan on the extradition proceedings brought in the name of the state of Wisconsin to have him given into the custody of that state for trial on a charge of the murder of Jack Zuta, a Chicago public enemy who was killed soon after the Alfred Lingis murder. Whether Stanton goes to Wisconsin for trial depends on the court's ruling on the ballistic evidence offered.

Al Capone was not found yesterday at the wedding of his sister. His contempt case was advanced for a hearing today and his attorneys, Capt. William F. Waugh and Benjamin Epstein, were notified to produce him in court. The government also wants him in reference to his income tax and one of Judge Lyle's vagrancy warrants is outstanding.

Lyle Told of Drive.

Judge Lyle, in an address last night at the Tribune, said that he had been told of the drive to get the public enemies out of the city.

\$25,000 IN REWARD.

Rewards totaling \$25,000 are offered for information leading to the arrest and conviction of the slayer of Alfred Lingis. Of the \$25,000 reward offered by The Tribune \$10,000 will be paid any person who will give confidential information identifying the slayer of Lingis. All information should be sent to the headquarters established by State's Attorney Swanson in room 508 Temple building, 71 West Washington street. Telephone State 3723.

insurance of vagrancy warrants and his policy of high bail were approached, according to the Rev. John M. De Lacy, and Judge Lyle promised to continue his battle with the forces of evil.

An appeal was made yesterday to Assistant State's Attorney Edwin Duffey for police protection and supervision in an election to fill Red Barker's place as business agent of the Coal Teamsters' union. Union members who petitioned Prosecutor Duffey said that for nineteen years the rank and file of the union had not participated in the election of officers, and no sick or death benefits were ever paid although the members were regularly assessed for them. Barker forced his way into the union, driving out James [Lefty] Lynch, who is seeking to regain his former place, now that Barker is in prison.

Fish \$56,000 Worth of

40251

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JEH:MO'B

January 17, 1931.

Mr. William Froelich,
c/o United States Attorney,
Chicago, Illinois.

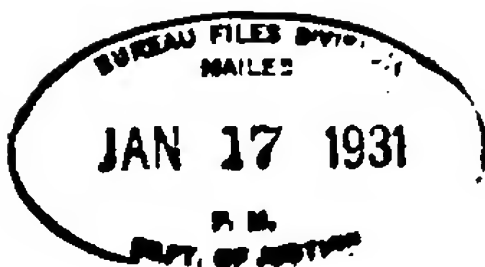
Dear Mr. Froelich:

Today in talking with Mr. Burkinstaw, one of the Assistants in the office of the United States Attorney for the District of Columbia, some discussion arose regarding contempt proceedings in connection with some cases pending here. He referred to a case which he considered to be quite an important one upon contempt procedure and I am passing it on to you in the event it has not yet reached your attention for I thought it might be of some assistance in connection with the contempt proceedings against Capone. It is *Levinstein v. E. I. Du Pont de Nemours & Company* reported in Federal Reporter volume 208, page 662.

Cordially,

Director.

RECORDED & INDEXED



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SEARCHED	INDEXED
JAN 19 1931	
BY: [initials]	

154

RECEIVED



P. O. Box 20
Jacksonville, Florida
January 7, 1931

Special Agent in Charge,
Bureau of Investigation,
P. O. Box 1406,
Chicago, Illinois.

~~CONFIDENTIAL~~

Dear Sir:

RE: ALFRED J. SAPIRO;
KENNETH PHILLIPS, et al.;
Contempt of Court; Perjury.

Receipt is acknowledged of your communication of
January 5, 1931, under above caption, in which you
advise that United States Attorney George E. G.
Johnson, of Chicago, is at the present time in
Florida and may call upon this office to make
confidential inquiries in reference to this case.

Please rest assured that Mr. Johnson will be given
all cooperation possible in the event he calls upon
us.

Very truly yours,

Harold E. Anderson,
Acting Special Agent in Charge.

REAS:HEM

cc Director

69-480	
BUREAU OF INVESTIGATION	
JAN 9	A. M.
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P. O. Box 1408
Chicago, Illinois

Special Agent in Charge
Bureau of Investigation
P. O. Box 22
Jacksonville, Florida

CONFIDENTIAL
SUBJECT OF CASE
PERJURY

Dear Sir:

Mr. George H. Q. Johnson, United States Attorney at Chicago, is at the present time in Florida, his residence being the Hotel Wofford, Miami Beach, Florida.

The above captioned matter is scheduled for hearing in this district in the very near future and in preparation for the trial of the matter, Mr. Johnson may deem it necessary to interview certain individuals in Florida prior to the trial date.

Prior to leaving Chicago, United States Attorney Johnson informed me of his contemplated visit and indicated to me that he might find it necessary to contact your office and request certain confidential inquiry for the purpose of locating those witnesses with whom he may desire a conference.

This letter is for the purpose of informing you of the present residence address of Mr. Johnson and that you may be informed of the general nature of the matter concerning which he may contact you in the near future.

Mr. Johnson desires that this matter be treated strictly confidential, and he has heretofore indicated to me that he will communicate with you at such time as he finds your office can be of assistance to him. I have assured Mr. Johnson that if, and when, your office could be of assistance to him, that you will arrange to get in touch with him upon his request and take such action thereafter as may be appropriate.

Very truly yours,

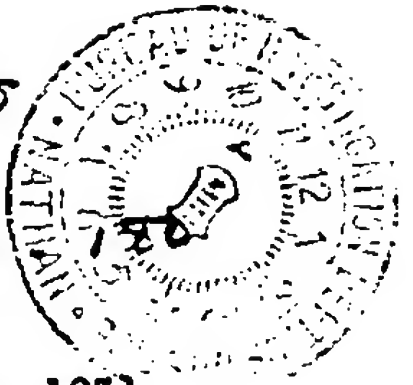
J. E. DUNN
Special Agent in Charge

JEFD:AB - 69-19
CC-Director, ✓
U.S. Atty. Johnson

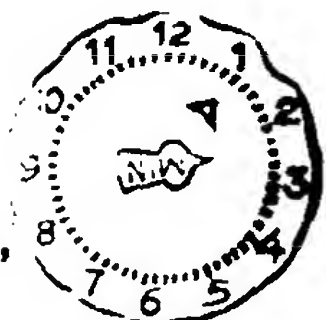
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U. S. Department of Justice
Bureau of Investigation
P. O. Box No. 1405,
CHICAGO, ILL.

RECEIVED



January 22, 1931.



Director,
Bureau of Investigation,
Department of Justice,
Washington, D. C.

RE: ALPHONSE CAPONE;
KENNETH PHILLIPS, M.D.,
CONTEMPT OF COURT- PERJURY.

JAN 24 1931

Dear Sir:-

With reference to the above captioned matter and supplementing my communication of even date relating thereto, I wish to offer for your consideration the following suggestion.

As you know this matter is on the calendar in the court of District Judge James H. Wilkerson for an early hearing on the merits. All preliminary motions have been disposed of and attorneys representing Defendant Capone have been advised that the continuance granted on the 19th instant was subject to termination on forty-eight hours notice, which notice will be given by Judge Wilkerson as soon as his other commitments permit.

It is not known and apparently it is not possible to know whether Defendant Capone will be produced when this matter is called for trial. Furthermore, it is not definitely known at the moment where Defendant Capone now is.

Since it appears that the effective date of the trial of this case is somewhat indefinite, but will in all probability be designated for a date within the next ten to fifteen days, and further, since it appears that the situation may arise wherein the case will be called and the subject fails to appear, it will then be necessary for the United States Marshal's office, or possibly this Bureau to attempt the location and apprehension of this subject, I believe it would be highly desirable for this Bureau to undertake at the present time to establish definitely the present place of residence of subject Capone and thereafter to maintain a discreet surveillance for the purpose of being generally informed as to

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his movements so that if occasion arises that active steps will have to be inaugurated to take him into custody no time will be lost.

The best information available to this office at the moment suggests the probability that subject Capone is at the present time somewhere in Florida. This information, however, is not authentic.

I suggest that you consider the advisability of detailing a competent special agent to the task of specifically ascertaining the present whereabouts of this subject and thereafter to maintain a discreet and careful surveillance of his movements, keeping the Bureau and this office constantly advised, to the end that prompt and efficient action may be taken to effect his apprehension in the event such action becomes necessary.

Very truly yours,


J. E. P. DUNN,
Special Agent in Charge.

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January 29, 1931.

RECORDED

Special Agent in Charge,
Bureau of Investigation,
Box 1406,
Chicago, Illinois.

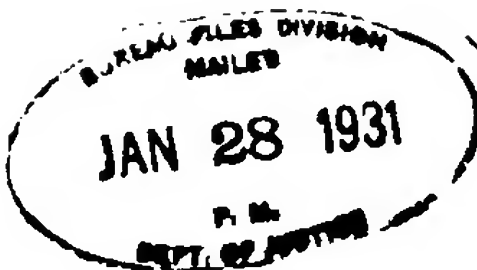
Dear Sir:

I am in receipt of your letter dated January
22, 1931, concerning the case of ALFRED J. CAPONE,
KENNETH PHILLIPS, M. R. - CONTEMPT OF COURT - PERJURY.

The Bureau is of the opinion that a surveil-
lance of Capone would not be warranted at the present
time.

Very truly yours,

Director.



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